

Journal
JOURNAL

OF THE

S E N A T E

AT THE SECOND SESSION

OF THE GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

**Began and held in the Town of Cahawba, on the
first Monday of November,**

IN THE YEAR OF OUR LORD

ONE THOUSAND EIGHT HUNDRED AND TWENTY,

AND FORTY-FIFTH YEAR OF

AMERICAN INDEPENDENCE

CHAPMAN

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1871.**

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JOURNAL OF THE SENATE.

At a General Assembly of the State of Alabama, begun and held at the town of Cahawba on the first Monday in November, in the year of our Lord one thousand eight hundred and twenty, it being the second session of the General Assembly of said State, the following members of the Senate appeared and took their seats, to wit, Thomas Casey, Littlepage Sims, John D. Terrel, Bennet Ware, David Conner, Flemming Hodges, John Gause, Joseph B. Chambers, William Trotter, Thomas Hogg, William Metcalf, Joseph Farmer, Howel Rose, Gabriel Moore, Jesse W. Garth, Gabriel Hanby, John Watkins, John Herbert, Thomas Ringold.

Monday, November 6, 1820.

On motion of Mr. Rose, Mr. Farmer was called to the chair.

On motion, Mr. Rogers was appointed Secretary, *pro. tem.*

On motion of Mr. Rose, it was resolved that the Senate do now proceed to the election of President, whereupon the election being conducted *viva voce*, those who voted for Mr. Moore, are Messrs. Farmer, Conner, Garth, Hanby, Hodges, Hogg, Metcalf, Rose, Terrel and Ware, 10. Those who voted for Mr. Casey, are Messrs. Watkins, Gause, Herbert, Ringold, Sims and Trotter, 6. Those who voted for Mr. Watkins, are Casey, Chambers, 2. For Mr. Garth, Mr. Moore, 1. It appeared that Mr. Gabriel Moore was duly elected, who being conducted to the chair, returned his acknowledgments to the house, and proceeded to the duties thereof.

Mr. Nicholas Davis a Senator from the county of Limestone, appeared and produced a certificate of his election, whereupon the oath prescribed by law was administered to him by the President, and he took his seat in the Senate.

On motion of Mr. Gause, resolved that the Senate do now proceed to the election of Secretary. The election being conducted *viva voce*, it appeared that Marmaduke Williams was duly elected, and was qualified accordingly, and proceeded to the duties thereof.

On motion, it was resolved that the Senate do now proceed to the election of door keeper, and the election being conducted *viva voce*, it appeared that Matthew W. McClellan was duly elected, who entered on the duties thereof.

On motion of Mr. Farmer, it was resolved that the Secretary inform the house of representatives that a quorum of the Senate have convened, and elected Mr. Gabriel Moore President, Marmaduke Williams Secretary, and Matthew W. McClellan, door keeper, and were ready to proceed to business.

On motion, the Senate adjourned to ten o'clock to-morrow morning.

Tuesday, November 7, 1820.

The Senate met pursuant to adjournment, Mr. James L. Seabury a Senator from the county of Mobile, appeared and took his seat.

On motion of Mr. Farmer, the following resolution was adopted.

Resolved, that until rules of order be prepared and adopted for the government of the Senate the rules of order and decorum for the government of the senate of the State of Alabama at their first session be, adopted for the government of this house.

On motion of Mr. Farmer, resolved that a committee consisting of three members be appointed, to prepare rules of order and decorum for the government of the Senate, during the present Session, whereupon Messrs. Farmer, Garth and Chambers were appointed.

On motion of Mr. Chambers it was resolved that a committee be appointed on privileges and elections, whereupon Messrs. Chambers, Garth, and Metcalf were appointed.

William D. Gaines, produced a certificate of his election as Senator from the county of Jackson, in order to qualify and be admitted as a member of the Senate.

On motion of Mr. Garth the Senate resolved itself into a committee of the whole house on the propriety of admitting the member from Jackson to a seat in the Senate, Mr. Watkins in the chair, and after some time spent therein. Mr. President resumed the chair, and Mr. Watkins reported that the committee according to order had under consideration the propriety of admitting the member from Jackson county to his seat in the Senate, and had made some progress therein, but not having time to go through had directed him to ask leave to sit again, which was granted.

Received from the house of representatives by Messrs. M'Vay and Murphy, a message informing the Senate they had convened, elected Mr. George W. Owen, Speaker, James J. Pleasants, Clerk, and Daniel Rather door keeper, and were ready to proceed to business.

On motion the Senate adjourned to ten o'clock to-morrow morning.

Wednesday, November 8, 1820.

The Senate met pursuant to adjournment, Mr. Robert R. Harwell, a Senator from the county of Baldwin, appeared and took his seat.

Mr. Garth moved that the committee of the whole house be discharged from further consideration of the propriety of admitting the member from Jackson county, to a seat in the Senate, and the question being taken it passed in the affirmative.

Mr. Gause moved the following resolution, which was adopted, *Resolved* that a committee be appointed on the part of the Senate together, with such committee as may be appointed on the part of the house of representatives, to wait on His Honor the acting Governor and to inform him that the two branches of the General Assembly were organized and are ready to receive any communication he may think proper to make, whereupon Messrs. Gause and Casey were appointed a committee on the part of the Senate.

Mr. Garth moved that the member from Jackson county be qualified, and take his seat in the Senate, and on taking the question the

yeas and nays were called for, it passed in the affirmative; those who voted in the affirmative, are Messrs. President, Chambers, Conner, Davis, Farmer, Garth, Hanby, Hodges, Hogg, Metcalf, Ringold, Rose, Ferrel and Ware, 14.

Those who voted in the negative, are Messrs. Casey, Gause, Harwell, Herbert, Seabury, Trotter, 6. William D. Gains then appeared and produced a certificate of his election as a Senator, from the county of Jackson, was qualified by the President and admitted to take his seat as a member of the Senate.

On motion of Mr. Casey, it was *resolved*, That the President of the Senate, assign to Messrs. Allen and Parsons, the editors of the Cahawba Press and Watchman, seats within the bar of this house for the purpose of reporting the proceedings of the Senate, or if necessary they may appoint any suitable person to act for them.

On motion of Mr. Chambers it was *resolved*, That a committee of three members be appointed on the part of the Senate, to join such members as may be appointed by the house of representatives, as a joint committee to inquire into the expediency of appointing a public printer, or contracting for the public printing, and report the result of their proceedings. Messrs. Chambers, Farmer and Rose, were appointed the committee in the Senate.

On motion of Mr. Farmer it was *resolved*, That the Secretary of the Senate be authorised to call on the Secretary of State for such books in his office as may be necessary for the use of the Senate during the present session.

On motion, the Senate adjourned to ten o'clock to-morrow morning.

Thursday, November 9, 1820.

The Senate met pursuant to adjournment.

On motion of Mr. Garth, Mr. Watkins, Senator from Monroe, had leave granted him to record his name as voting in the negative, on the question admitting William D. Gains a member, returned from Jackson county to his seat in the Senate.

Mr. Casey moved for leave to introduce a bill amendatory of an act, entitled "an act, to provide for the sale of lots in the town of Cahawba, and for other purposes," and of an act, entitled an act, providing for the temporary and permanent seats of government," which was read the first time.

Mr. Casey moved, that the rule which requires every bill to be read on three several days be dispensed with, and that the said bill be read a second time forthwith, which passed in the affirmative.

On motion of Mr. Casey, ordered that the said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

On motion of Mr. Farmer, *resolved*, That a committee consisting of three members be appointed on the part of the Senate to act jointly with such committee as may be appointed on the part of the house of representatives, to take into consideration, and report to the Senate, whether any, and what amendments are necessary to the military laws

of this State ; whereupon Messrs. Farmer, Gaines and Conner were appointed a committee.

On motion of Mr. Garth. *resolved*, That the Senate do now proceed to the election of an engrossing clerk, and the election being conducted *viva voce*, it appeared, that George V. Dick, was unanimously elected, who proceeded to the duties thereof.

Mr. Gause from the committee appointed on the part of the Senate, together with a joint committee appointed on the part of the House of Representatives, to wait on His Honor, the now acting Governor, and inform him that the General Assembly had convened, and were ready to receive any communications he might think proper to make, reported that they had performed that service and received for answer that he would make his communications in writing this day, at twelve o'clock, in the representative chamber.

Received from the house of representatives, a message by Messrs. Chapman and Walker informing the Senate, that the house of representatives had concurred with the Senate in the resolution to appoint a joint committee to wait on His Honor the now acting Governor, and that the committee have reported that they had performed that service and had received for answer, that he would this day at twelve o'clock make his communication in writing by Thomas A. Rogers, Esquire, Secretary of State, at which time the honourable Senate are requested to attend in the representative chamber.

Mr. Farmer from the select committee appointed, to prepare rules of order and decorum, for the government of the Senate this session, asked leave to report the following rules of order and decorum, for the government of the Senate, to wit :

Rules of order and decorum for the government of the Senate.

1. The President shall take the chair every day at the hour to which the Senate shall have adjourned the preceding day ; and on the appearance of a quorum shall call the Senate to order, and cause the journals of the proceeding day to be read.

2. The Senate shall preserve order and decorum, and shall decide questions of order, subject to an appeal to the Senate by any two members. He may rise to put a question, but may state it sitting.

3. Every member speaking in debate, shall first rise from his seat uncovered, respectfully address himself to the President, confine himself to the question, avoiding personalities, and shall not call any member by his name, but refer to him by the county of his residence, or the gentleman that spoke last, &c.

4. When two or more members shall rise at the same time, the President shall name the member who is first to speak, but in all cases, the member first rising shall speak first.

5. No member shall speak more than twice to the same question, without leave of the Senate, nor more than once until every member choosing to speak shall have spoken, unless permitted to explain.

6. No motion shall be debated or put, unless the same be seconded ; it shall be stated by the President before debated ; and every such motion shall be reduced to writing, if the President or any member request it.

7. After a question is stated by the President, it shall be deemed in possession of the Senate ; but may be withdrawn at any time, before decision or amendment.

8. When a question is under debate, no motion shall be received, unless to adjourn, to lie on the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to commit or amend : which several motions shall have precedence in the order in which they stand arranged.

9. Every question shall be determined by a majority of voices, and after the determination the same shall not be resumed, but with the consent of two thirds of the members present, at some subsequent day of the session.

10. No motion shall be determined on the day that it is introduced, if one third of the members request that it be deferred to the next day.

11. A motion to adjourn shall always be in order and shall be decided without debate.

12. The previous question until it is decided shall preclude amendments and debates on the main question, and shall be in this form, shall the main question be now put? And no member shall speak more than once on the previous question.

13. A motion for commitment, until it is decided, shall preclude all amendments of the main question.

14. Petitions, memorials, and other papers addressed to the Legislature, shall be presented to the President by a member in his place and read by the Secretary.

15. Every Senator who shall be present when a question is put, shall vote for or against the same ; unless the Senate for special reasons excuse him : but no Senator shall vote in any question, unless he be within the bar of the house, when the same is put.

16. When the President is putting a question, no member shall walk out or across the house, nor when a member is speaking entertain private discourse, or pass between him and the chair.

17. A Senator when called to order, shall immediately take his seat, and the Senate if appealed to, shall decide the case, but without debate ; if there be no appeal, the decision of the chair shall be conclusive.

18. Every bill shall be introduced by motion for leave, one day previous notice being given, unless of a local nature, or by an order of the Senate, or on the report of a committee.

19. No bill shall be amended or committed until it shall have been twice read.

20. In forming a committee of the whole, the President shall leave the chair, naming some person as chairman, to preside.

21. All questions, whether in the Senate or in committee of the whole, shall be put in the order they were moved, except in case of amendment, and except that in filling up blanks, the largest sum and the longest term shall be first put.

22. A similar mode of proceeding shall be observed with bills,

which have originated in, and passed the House of Representatives, as with bills originated in the Senate.

23. The rules of the Senate shall be observed in committee of the whole, so far as they may be applicable, except the rule limiting the times of speaking.

24. A motion that the committee rise shall always be in order, and shall be decided without debate.

25. No member shall absent himself from the Senate, without leave of absence on motion.

26. Bills committed to a committee of the whole house shall be first read through by the Secretary, and then read and debated by clauses; leaving the preamble and caption to be last considered. All amendments shall be entered on a separate piece of paper, and so reported by the chairman standing in his place: after the report the bill shall be subject to debate and amendment, before the question to engross is taken.

27. When the Senate adjourns, no member shall move from his seat until the President has left the chair.

28. The President may appoint any other member to perform the duty of the chair, *Provided* said appointment shall not continue beyond an adjournment.

29. On the meeting of the house, after reading of the journals, the presentation of petitions shall be first in order; after petitions are disposed of, reports first from a standing committee, and then select committees, shall be called for, and the above business shall be done at no other time of the day, except by permission of the Senate.

30. All ordinary committees shall consist of three members, and be appointed by the President: unless otherwise directed by the Senate: and on motion one or more members may be added to any committee.

31. All memorials and addresses shall be signed by the President, and all warrants and subpoenas, issued by order of the Senate, shall be under his hand and seal, attested by the Secretary. In case of any disturbance or disorderly conduct in the lobby, the President or Chairman shall have power to order the same to be cleared.

32. A bill once rejected, another of the same substance shall not be introduced during the session.

33. The ayes and nays shall be taken when called for by any two members. The president shall vote in all cases, except in the cases heretofore excepted.

34. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for a reconsideration thereof, so long as the paper remains in possession of the Senate.

Mr. Chambers, chairman of the committee on privileges and elections, to whom were referred the certificates of the election of Nicholas Davis, Senator from the county of Limestone, to fill the vacancy of Thomas Bibb, late Senator from that county, and President of the Senate, and now exercising the powers and duties of Governor of this State, and of William D. Gaines, Senator from the county of Jackson,

reported that they are duly elected and entitled to their seats in the Senate.

On motion of Mr. Garth, the Senate resolved itself into a committee of the whole on the report of the select committee appointed to prepare and draft rules for the government of the Senate, Mr. Garth in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Garth reported, that according to order the committee had the report of the select committee appointed to prepare and draft rules of order and decorum for the government of the Senate and that the committee report the same without any amendment.

On motion of Mr. Rose the Senate concurred with the report of the committee and the rules were adopted.

On motion of Mr. Rose it was resolved, That the Secretary of the Senate, under the direction of the President, be authorised to furnish stationery for the use of the Senate.

On motion of Mr. Davis the following resolution was adopted, resolved, That a committee be appointed to act jointly with such committee as may be appointed on the part of the house of representatives to draft resolutions, expressive of the regret which is felt by the General Assembly at the death of his Excellency William W. Babb, late Governor of this State; whereupon Messrs. Davis, Chambers, and Terrell, were appointed a committee on the part of the Senate.

On motion of Mr. Gause, resolved, That the following be standing committees of the Senate, and that they consist of three members each, to wit:

First, A committee on the judiciary.

Second, A committee of propositions and grievances.

Third, A committee on roads, ferries, and bridges.

Fourth, A committee on the university lands.

Fifth, A committee on enrolled bills. Whereupon Messrs. Garth, Hogg, and Watkins, were appointed the committee on the Judiciary.

Messrs. Trotter, Harwell, and Seabury, were appointed the committee on propositions and grievances.

Messrs. Terrell, Rose, and Gause, were appointed the committee on the university lands.

Messrs. Herbert, Hodges, and Ware, were appointed the committee on roads, ferries, and bridges, and

Messrs. Gause, Casey, and Garth, were appointed the committee on enrolled bills.

On motion of Mr. Farmer, ordered that fifty copies of the rules of order and decorum for the government of the Senate be printed.

On motion of Mr. Chambers, Mr. Gause was added to the committee to contract for the public printing.

On motion of Mr. Rose, it was Resolved, That a committee be appointed on the part of the Senate, together with such committee as may be appointed on the part of the house of representatives, to take into consideration the boundaries of counties; ordered that the committee consist of five members; Messrs. Rose, Ringold, Metcalf, Casey, and Terrell, were appointed on the part of the Senate.

Mr. Garth gave notice that on to-morrow he would ask for leave to introduce a bill to amend the act, entitled an act, to organize and discipline the militia of the State of Alabama.

Mr. Farmer moved the following resolution, which was adopted :
Resolved. That a committee of three members be appointed on the part of the Senate, together with such committee as may be appointed on the part of the house of representatives, to take into consideration the propriety of memorializing the Congress of the United States on the subject of the public lands; whereupon Messrs. Farmer, Gause, and Hogg, were appointed the committee.

Mr. Chambers gave notice, that on to-morrow he would ask for leave to introduce a bill to alter and amend the fourth section of the militia law of this State.

Mr. Garth gave notice, that on to-morrow he would ask for leave to introduce a bill to establish a turnpike road from the eighth township, in the fourth or fifth range, west of the basis meridian, from Huntsville to the Falls of Tuskalooosa.

Received a message from the house of representatives by Messrs. Chapman and Smoot, informing the Senate they were ready to receive them in the representative chamber to hear any communications, that his honour, now the acting governor may think proper to make; whereupon, the Senate repaired to the representative chamber, and the following message was communicated to both branches of the Legislature, by Thomas A. Rogers, Esq. Secretary of State.

Gentlemen of the Senate and of the House of Representatives,

The distressing and lamentable event, which has occurred since the last adjournment of the General Assembly, the death of our late chief magistrate, has by a provision of the Constitution, rendered it necessary for me to assume the discharge of the executive duties of the government, and I cannot, in the outset of this communication, refrain from expressing to you, that it is with the most peculiar sensations of pain, that I have entered upon the discharge of those duties ; a pain arising not only from the reflection of the loss of a more experienced officer than myself, but also from a recollection which is continually renewed, that of the loss of a friend and brother.

In taking upon myself the exercise of the powers of the chief magistrate, I have been actuated alone by a conviction that the constitution imperiously demanded it of me, from the station with which I had been honoured in the Senate ; and if in the execution of the trust which has devolved on me, I shall satisfy the wishes of my fellow citizens, I shall ever reflect upon it with a pleasure, inferior to that only which arises from a consciousness of having exerted my abilities for the best interests of the community ; sensible as I am of the high and important duties I have to discharge, and of my incapacity to discharge them with an ability equal to my wishes, I shall rely much and with confidence on your friendly co-operation and assistance, being fully convinced of your anxiety for the promotion of the general welfare.

In entering upon the deliberations incident to your stations, you cannot but derive much satisfaction and encouragement in the reflection

that amidst the severe pecuniary embarrassments under which we in common with our sister states, have for the last two years been labouring, it has pleased a gracious providence to bestow upon us the blessing of health, that the labours of the husbandman have been rewarded with abundant productions of the earth, both of sustenance and profit, and that generally throughout our State, a degree of literary and moral improvement manifests itself almost without example in the same period, and which cannot fail greatly to promote the interests of domestic happiness and social order.

In calling your attention to the various subjects which it has been made by law the duty of the executive to carry into effect, I have to inform you that the contract made by the late Governor for the erection of a state house at the town of Cahawba has not been complied with on the part of the contractor within the time specified by the contract, owing to difficulties unforeseen at the time the contract was made; but the building is nearly completed and the necessity for its occupation by the Legislature so great, that I have thought it would best promote the public interest to receive it, subject to be completed hereafter, and you will permit me to congratulate you on being enabled to carry on your deliberations with so much ease to yourselves as the State House affords. Of the sum of nine thousand dollars for which the house was to be built, seven thousand five hundred dollars has been paid to the contractor, and the remaining sum of one thousand five hundred dollars will be paid as soon as the building is completed.

Of the sum of one thousand dollars the residue of the sum appropriated, six hundred and sixteen dollars have been expended in providing the necessary furniture for your accommodation, and the balance being three hundred and eighty-four dollars has been deposited in the treasury together, with the receipts for the expenditures.

I submit the propriety of your making a further appropriation for the purpose of providing window shutters and for enclosing the lot for the preservation of the building.

The provisions of an act to provide for the organization and disciplining the militia of the State of Alabama, so far as it required duties of the executive have been carried into effect, with the exception of the appointment of a time for the election of major generals; the act authorized the designation of but one place in each division at which the elections shall be held; I have delayed the execution of this part of the law, with a view of recommending to your consideration the propriety of so modifying it, as to enable the elections to be held at the place of holding courts in each county respectively, this modification will conform to the intention of the law, by enabling the officers to bestow their suffrages with the least inconvenience to themselves.

I regret to state, that delays in some instances have taken place in the transmission both of civil and military commissions, owing to the difficulties of communicating with distant parts of the state.

The reservation by a law of Congress of seventy-two sections or two entire townships of land for the use of a seminary of learning, and to be vested in the Legislature of this state to be designated by the

Secretary of the Treasury, had not been completed, owing to some of the most valuable lands not having until lately been surveyed : most of the reservation has however been made, and it is expected, that the whole will be completed in a short time. Commissioners for leasing the lands which have been reserved in conformity with an act of the last session of the Legislature were appointed by the Governor ; I have partial information only, in relation to the proceedings of the commissioners. The act does not point out what course the commissioners shall pursue after having rented the same ; an abstract of the reports received are herewith submitted marked A.

The future disposition of these lands is a subject of the highest importance to our State, and one which I conceive imperiously demands your early attention.

In conformity with the provisions of an act, providing for the preservation of the public arms, a contract has been made for the erection of a building to be of brick, and twenty feet square, for the sum of six hundred dollars, and a place designated for its erection : the building is not yet completed, but it is in progress ; the arms have been received and delivered to the quarter master general.

Canformably with an act to provide for the sale of lots in the town of Cahawba, and other purposes, I have caused to be surveyed two hundred lots, which are to be sold on the second Monday of the present month, the result of the sale will be the subject of a future communication.

In pursuance of the act to provide for the examination of certain rivers therein named and for other purposes, I have employed Mr. Terry of North Carolina, as principal and sole engineer, and to perform a part of those duties, only, finding the sum appropriated inadequate to the performance of the whole of the duties required by the act. In conformity with my instructions, he has already examined the Coosa river from the mouth of Wills creek to the lower end of the Falls of Witumpka.

His report thereon has been received, which, together with the contract made with him is herewith submitted marked B. he is now engaged in the examination of the Tennessee river, from the head of the Muscle shoals, to where the state line crosses the same, and I expect to be enabled before your adjournment, to lay before you his report thereon--should it be the intention of the general Assembly to cause at this time an examination of the other rivers, and routs for roads contemplated in the act to be made, I suggest the expediency of constituting and appointing a board or committee of public works.

Owing to unavoidable delays the resolution of the last session of the General Assembly, vesting the Governor with authority to settle the accounts between this state and the state of Mississippi, the accounts have not been adjusted, but the subject is now under consideration.

By virtue of a resolution of the last General Assembly authorising the Governor to effect a loan for the purposes of the State, the late Governor borrowed of the Planters and Merchants Bank of Huntsville,

ten thousand dollars which will become due on the 24th and 27th days of December next: I have lately received a letter from the President of the Bank, a copy of which is herewith submitted marked C. which will enable you to make such arrangements with the Bank as will best comport with the public interest.

A particular statement of the receipts into the treasury and of the public expenditures for the last political year will be laid before you by the proper officer, and I regret to state, that the receipts fall far short of the necessary expenditures of the government.

Returns of the census, which was directed by a law of the last session of the Legislature to be taken, have been received from twenty-four counties, an abstract of which is herewith submitted marked D. the aggregate amount of population in these counties is one hundred and twenty-nine thousand, two hundred and twenty-seven, so soon as the returns are completed they will be laid before you.

By the second section of the second article of the Constitution of the United States, it is provided, that each state shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and representatives to which the state may be entitled in the Congress, to vote for persons to fill the offices of President and Vice President of the United States, and by an act of Congress it is provided, that the electors shall be appointed within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election: No act having been passed by the General Assembly of this State on this subject, and the fourth day of March next being the time at which by the Constitution the term of service of the present President and Vice President will expire, it becomes necessary, that an act should be passed designating the mode of the appointment of electors; and it may be proper to observe, that the time at which the electors are by law to give their votes is so near at hand that it seems there is no other mode left, but for the Legislature to make the appointments.

Assembled as you are from all parts of the State, whatever subjects tending to promote the welfare of our fellow citizens, which may require your deliberations will no doubt suggest themselves to you: should there be any thing brought to the notice of the executive during the session, which may be of public interest, I shall not fail to lay it before you. That your deliberations may result in the greatest possible good to the community at large is my anxious and only wish.

THOMAS BIBE.

Cahawba, November 9, 1820.

Whereupon the message being concluded, the Senate repaired to their chamber.

And on motion, adjourned until ten o'clock to-morrow morning.

Friday, November 10, 1820.

The Senate met pursuant to adjournment.

Mr. Garth gave notice that he should on to-morrow ask for leave to introduce a bill authorising the county courts to appoint sheriffs and administrators in certain cases.

Mr. Farmer moved the following resolution, which was adopted: *resolved*, that in addition to the standing committees already appointed on the part of the Senate, a committee of finance be appointed: whereupon Messrs. Farmer, Davis, and Hodges, were appointed.

Mr. Farmer introduced the memorial of John Byler, relative to a turnpike road, authorised by an act of the last session of the Legislature to commence near shoal creek, in Lauderdale county, to the Falls of Tuscaloosa.

Mr. Casey presented a petition from a number of citizens praying some relief on the purchase of lots in the town of Cahawba. Ordered that the same lie on the table.

On motion of Mr. Rose the Senate resolved itself into a committee of the whole on a bill amendatory of an act, entitled an act, to provide for the sale of lots in the town of Cahawba, and for other purposes, and of an act, entitled an act, providing for the temporary and permanent seat of government. Mr. Watkins in the chair; and after some time spent therein the committee rose, and Mr. President resumed the chair: and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in by the Senate.

On motion of Mr. Casey it was ordered that the rule, which requires all bills to be read on three several days be dispensed with, and that it be engrossed and read a third time to day.

On motion of Mr. Casey, the said bill was read a third time and passed.

Ordered that the title of said bill be altered from a bill, to that of an act, amendatory of an act, entitled an act to provide for the sale of lots in the town of Cahawba and for other purposes, and of an act, entitled an act, providing for the temporary and permanent seat of government.

Mr. Garth introduced a bill, to establish a public road from the southern boundary line of township eight, in range four or five, west of the basis meridian of Huntsville to the Falls of Tuscaloosa, which was read the first time, and ordered for a second reading on to-morrow.

Mr. Hanby gave notice, that he should ask leave on to-morrow to introduce a bill to provide for the election of a Governor, by the people, to fill the vacancy occasioned by the death of William W. Bibb, late Governor of this State.

Mr. Farmer gave notice he should on to-morrow ask leave to introduce a bill for the appointment of electors for the State of Alabama.

On motion of Mr. Davis, *resolved*, that the message of the now acting Governor, be referred to a committee of the whole house, and be made the order of the day to-morrow.

The Senate adjourned until to-morrow morning at ten o'clock.

Saturday, November 11, 1820.

The Senate met pursuant to adjournment.

Mr. Seabury presented the petition of Nicholas Pope, F. W. Armstrong, Jonathan Woodward, J. L. Seabury, and Francis B. Stockton,

merchants of the town of Mobile and Blakeley, praying that they may be incorporated under the name and style of "the Steam-boat Company of Alabama;" which was read and referred to the committee on propositions and grievances.

On motion of Mr. Trotter, the following resolution was adopted. *Resolved*, that the Secretary be authorised to assume on the part of this house, the payment for such articles of stationery, inkstands, &c. as were furnished by Mr. Sargent at the commencement of the session.

Mr. Watkins gave notice, that on Monday next he should ask for leave to bring in a bill to authorise jailors in the several counties in this State to receive and keep prisoners taken under the authority of the laws of the United States.

On motion of Mr. Ringold, Mr. Casey was added to the committee on university lands.

On motion of Mr. Trotter, Mr. Chambers was added to the committee on the boundaries of counties.

On motion of Mr. Gause, Mr. Herbert was added to the same.

On motion of Mr. Seabury. Mr. Harwell was added to the same committee.

On motion of Mr. Herbert, Mr. Gause was added to that committee.

On motion of Mr. Chambers, Mr. Trotter was added to the same committee.

On motion of Mr. Conner, Mr. Gaines was added to the same.

On motion of Mr. Metcalf Mr. Hodges was added thereto.

And on motion of Mr. Rose, Messrs. Sims, Ware and Seabury were added to that committee.

On motion of Mr. Casey according to the order of the day, the Senate resolved itself into a committee of the whole, on the message of his honour the present acting Governor, Mr. Casey in the chair, and after sometime spent therein, Mr. President resumed the chair, and Mr. Casey reported that the committee had, according to order had said message and the subjects therein contained under consideration, and begged leave to propose the adoption of the following resolutions.

Resolved, That so much of the Governor's message, as relates to the State House, be referred to a select committee.

Resolved, That so much of the message as relates to the militia and public arms be referred to the military committee.

Resolved, That so much thereof as relates to navigation be referred to a select committee.

Resolved, That so much of the message as relates to university lands be referred to the committee already appointed thereon.

Resolved, That so much of the message as relates to money borrowed of the Farmers and Merchants Bank of Huntsville, be referred to the committee on finance.

Resolved, That so much of the message as relates to receipts and expenditures be also referred to the committee on finance.

Resolved, That so much of the message as relates to a board of com-

missioners of public works be referred to the select committee on the State House.

Resolved, That so much of the message as relates to the census, be referred to a select committee.

And, *Resolved*, That so much of the message as relates to the appointment of electors to vote for the President and Vice President of the United States be referred to a select committee.

All of which resolutions were severally read and adopted.

Whereupon, were appointed, Messrs. Watkins, Casey and Rose, a committee on so much of the message as relates to the State house and public works.

Messrs. Farmer, Sims, and Hanby, a committee on the part of the message relating to navigation.

Messrs. Seabury, Conner and Ware, a committee on that part of the Governor's Message relating to the Census.

And Messrs. Farmer, Gaines, and Harwell, a Committee on that part of the Governor's Message relating to the appointment of electors to vote for the President and Vice-President of the United States.

On motion of Mr. Terrel the following resolution was adopted:

Resolved, That a Committee be appointed to draft and report a memorial to the government of the U. S. having for its object the abolition of the ordinance restrictive upon the taxation of certain lands; as well, also, a repeal of the restrictive measures contained in the same ordinance, relevant to a tax, duty, impost, or toll on the navigable waters within the state.

Whereupon Messrs. Terrel, Ware, and Farmer were appointed a Committee thereon.

Mr. Chambers, agreeably to notice, asked and obtained leave to introduce a bill to be entitled, "An Act to amend an Act," passed at Huntsville by the General Assembly of the State of Alabama, 17th December, 1819. "prescribing the manner of electing certain militia officers, and deciding contested elections; which was read the first time, and ordered for a second reading on Monday next.

Agreeably to notice, Mr. Farmer asked and obtained leave to bring in a bill providing for the appointment of electors to vote for the President and Vice-President of the United States; and the bill was read the first time.

And, on motion of Mr. Farmer, the rule which requires all bills to be read on three several days, was dispensed with; and said bill was read a second time, and ordered to be read a third time to-day.

On motion of Mr. Farmer, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Chambers in the chair; and after some time spent therein the Committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the Committee of the whole House had, according to order, had under consideration a Bill to provide for the appointment of electors to vote for President and Vice-President of the United States; but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was granted.

And on motion of Mr. Garth, it was ordered that said bill be referred to a select committee.

Whereupon Messrs. Farmer, Garth, and Ringgold, were appointed.

A message from the house of representatives, by Mr. Perry.

Mr. President and gentlemen of the Senate,

I am instructed to inform your honourable body, that the house of representatives have passed an act, entitled an act, amendatory of an act, to provide for the sale of lots in the town of Cahawba and for other purposes, and of an act, entitled an act, providing for the temporary and permanent seat of government, which originated in your honourable body.

Mr. Seabury gave notice that he should on Monday next, ask for leave to bring in a bill for the government of the town of Blakeley.

The Senate adjourned until Monday morning at ten o'clock.

Monday, November 13, 1820.

The Senate met pursuant to adjournment.

Mr. Hanby presented the petition of sundry inhabitants of Blount county, praying that a law may be passed to fix the seat of justice in that county. On motion referred to a select committee, Whereupon were appointed a select committee, Messrs. Hanby, Conner and Ware.

On motion of Mr. Hanby, *resolved*, that a committee be appointed to inquire into the expediency of passing a law, providing for the digest of the laws of this State, and

On motion of Mr. Hanby, ordered to lie on the table.

Mr. Seabury agreeably to notice, asked and obtained leave to bring in a bill to extend the limits of the town of Blakeley, and to provide for its government, and the said bill passed to a second reading on to-morrow.

On motion of Mr. Garth, the order of the day on the bill to establish a public road from the southern boundary line of township eight, in range four or five, west of the basis meridian of Huntsville to the Falls of Tuskaloosa, was taken up and read a second time.

And on motion ordered to be committed to a committee of the whole house, and made the order of the day for to-morrow.

On motion of Mr. Chambers, the order of the day on the bill providing for the election of certain militia officers and deciding contested elections, was taken up and read a second time, and

On motion, ordered to be referred to a committee of the whole house, and made the order of the day on to-morrow.

Mr. Watkins agreeably to notice, asked and obtained leave to bring in a bill, to be entitled an act, authorising and requiring the keepers of the several jails in this state to receive and keep persons, committed under the authority of the United States; and the bill was read the first time.

Ordered, that said bill be read the a second time on to-morrow.

Mr. Terrell gave notice, that on to-morrow, he would ask leave to bring in a bill to divorce Pollydore Naylor from his wife Elizabeth.

On motion of Mr. Hanby : *Resolved*, that a committee be appointed to enquire into the expediency of changing the law now in force in relation to the assessing of taxes, and that they have leave to report by bill or otherwise, Whereupon Messrs. Hanby, Casey and Ringgold were appointed.

On motion of Mr. Casey : *Resolved*, that the Secretary of the Senate cause to be printed eighty copies of the census, for the use of the Senate.

On motion of Mr. Terrel, Mr. Garth was added to the committee appointed to draft and report a memorial to the Government of the United States, having for its object the abolition of the ordinance restrictive of taxes on certain lands in the state of Alabama.

Mr. Garth gave notice, that he should on to morrow ask leave to introduce a bill regulating Justices courts and prescribing the duties of constable.

Mr. Davis, chairman of the committee appointed on the part of the senate to act jointly with such committee as might be appointed on the part of the house of representatives to draft resolutions expressive of the regret which is felt by the General Assembly at the death of his Excellency William W. Bibb, late governor of this state, made the following report :

The General Assembly of the state of Alabama sensibly feeling and sincerely lamenting the irreparable loss sustained in the death of our late governor William W. Bibb, deem it a duty we owe to ourse ves, our fellow citizens and his revered memory, to express to the world the feelings of our hearts. We are aware that the pen of panegyric can but faintly paint his virtues---and should the tongue of eulogy attempt to express them, it would fail in the effort.

To say he was a man without an equal would be saying too much ; but to say he was a man of transcendant virtue and patriotism, is nothing more than is due to his memory.

He was the friend of liberty and of man ; and his unceasing efforts were to perpetuate the one and promote the happiness of the other.

The archives of the nation will shew to the latest posterity, that he was a pure republican : the greater part of his short life was devoted to the service of his country, and his fame is impervious to the shafts of calumny.

He was an admirer of the immortal Father of his country : and it may well be said, that Washington chalked out the paths of virtue and Bibb delighted to follow them.

But, Heaven has decreed, that all earthly good shall pass away---and He "who maketh darkness his pavilion," hath been pleased in his incomprehensible wisdom to take from us this excellent and beloved man ; and we can only pray in the sincerity of our hearts, that the smile of that being who resides in the celestial mansions may be upon him ; and against his name, in the book of life, may happiness be written. Therefore, as a public testimony of sincere regret for the loss, and in profound respect for our late governor,

Resolved, that the members of this General Assembly wear crape on the left arm during the present session.

Be it further resolved, that the Rev. Mr. Kennedy be requested to preach a funeral sermon in the state house on the 26th day of the present instant, suited to the occasion.

And be it further resolved, that the acting Governor be requested to cause a copy of these resolutions to be transmitted to Mrs. Bibb expressive of our condolence on the late afflicting dispensation of Providence.

On motion of Mr. Garth, the report was concurred in by the Senate.

On motion of Mr. Terrel the following resolution was adopted: *resolved*, that a committee be appointed on the part of the Senate to associate with such committee as may be appointed by the Representative branch to carry into effect the resolutions reported by the committee on the subject of commemorating the death of the late Gov. W. W. Bibb, and to suggest such other recommendatory measures as may be thought proper. Whereupon messrs. Terrel, Garth and Metcalf were appointed a committee.

Ordered that a committee be appointed to acquaint the House of Representatives thereof; whereupon messrs. Garth and Davis were appointed.

Mr. Farmer from the select committee to whom was referred a bill to provide for the appointment of electors to vote for President and Vice President of the United States, reported a new bill; which was read and ordered to a second reading on to-morrow.

On motion of Mr. Hanby, *resolved*, that the committee on finance be instructed to enquire into the expediency of passing a law explanatory of the revenue law in relation to the tax for retailing spiritous liquors, so that a person obtaining licence shall not pay both the clerk of the county court and collector for the same.

On motion of Mr. Casey, *resolved* that the door keeper under the direction of the President of the Senate provide seats within the bar at the Senate Chamber for the accommodation of the members of the House of Representatives, Judges of the Supreme Court, &c.

Mr. Chambers gave notice that he should on to-morrow ask leave to bring in a bill entitled an act to alter and amend an act taxing Hawkers and Pedlars.

Mr. Gause from the committee on enrolled bills reported that the committee had examined a bill amendatory of an act entitled an act to provide for the sale of lots in the town of Cahawba and for other purposes, and of an act entitled an act providing for the temporary and permanent seats of government; and found the same duly enrolled; which was signed by the President.

The Senate adjourned until to-morrow morning at ten o'clock.

Tuesday, November 14, 1820.

The Senate met pursuant to adjournment.

Mr. Seabury presented the petition of sundry inhabitants of the counties of Baldwin and Mobile on the east side of the bay of Mobile and Grand rivers tributary thereto; praying that they may be set off and formed into a new county by the name of Tensa.

On motion of Mr. Seabury, said petition was referred to a select committee: whereupon, messrs. Seabury, Trotter and Harwell were appointed.

Mr. Gause from the committee on enrolled bills reported that the committee had presented to His Honor the now acting governor, for his approval and signature, an act amendatory of an act entitled an act to provide for the sale of lots in the town of Cahawba and for other purposes, and of an act, providing for the temporary and permanent seat of government.

According to the order of the day the bill to extend the limits of the town of Blakeley and provide for its government was read a second time, and committed to a committee of the whole and made the order of the day on to-morrow.

Mr. Casey gave notice that on to-morrow he would ask for leave to bring in a bill authorising the Governor to transmit certain copies of the laws of this state to the Executives of the several states of the United States. Also a bill requiring certain official reports to be made to the General Assembly.

Mr. Davis gave notice that on to-morrow he would ask for leave to bring in a bill to be entitled an act, to amend an act, to provide for leasing the school lands for a limited time, which have been reserved by the Congress of the United States for the support of schools within each township in this State.

According to the order of the day, the bill to be entitled an act authorising and requiring the keepers of the several gaols in this State, to receive and keep persons committed under the authority of the United States, was read the second time.

On motion of Mr. Watkins, ordered, that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

Mr. Torrel agreeably to notice asked and obtained leave to bring in a bill, to be entitled an act, to divorce Polydore Naylor and Elizabeth Naylor, which was read the first time.

And ordered to a second reading on to-morrow.

According to order the bill to provide for the appointment of electors to vote for President and Vice President of the United States, was read the second time.

On motion of Mr. Sims, ordered that said bill be committed to a committee of the whole house, and made the order of the day on to-morrow.

On motion of Mr. Garth, the order of the day on the bill to establish a public road from the southern boundary line of township eight, in range four or five west of Huntsville to the Falls of Tuskaloosa, was postponed until to-morrow.

The Senate according to order, resolved itself into a committee of the whole on a bill, to be entitled an act, to amend an act, prescribing the manner of electing certain militia officers and deciding contested elections, Mr. Casey in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had according to order, had the same under consideration and proposed to amend the same, by striking out in the third section thereof, "and if the Governor shall deem the reasons sufficient be" and

inserting in lieu thereof the following "Whereupon, the Governor" and on the question being put, it passed in the affirmative.

The committee of the whole proposed further to amend said bill, by inserting between the word "holden" and the word "officers" in said section, the following words "to consist of not less than seven, nor more than thirteen" and by adding to said section this clause, viz. "The President of which, shall be of grade equal to the office for which the candidate may contest the election. And on the question being put, said amendments severally passed in the affirmative.

And the committee of the whole further proposed to amend said bill by adding the following additional section :

Section 4. *And be it further enacted*, That all elections for officers, now contested and undecided, shall be determined in such manner as is prescribed by the third section of this act.

Mr. Casey moved that the Senate disagree thereto, and the question being put, it passed in the negative.

Mr. Rose moved that the following section be added to said bill :

Section 5. *And be it further enacted*. That from and after the passage of this act, it shall be the duty of all field officers, to uniform themselves within six months after they are commissioned, and on the question being put, it passed in the affirmative.

Mr. Garth moved that the following additional section be likewise added

Section 6. *And be it further enacted*, That a regimental court martial may determine what shall be the uniform of each regiment ; and on the question being put, it also passed in the affirmative.

Mr. Rose moved that the word "field" in the fifth section be stricken out, and the word commissioned be inserted in lieu thereof, which passed in the affirmative.

Said bill was ordered to be engrossed, and made the order of the day for a third reading on to-morrow.

A message from the Governor by Henry Hitchcock, Esquire.

Mr. President—I am instructed by His Excellency the Governor, to state, that he did on the 14th instant, approve and sign "an act, amendatory of an act, entitled an act, to provide for the sale of lots in the town of Cahawba, and for other purposes, and of an act, providing for the temporary and permanent seat of government.

Mr. Seabury according to notice, asked and obtained leave to bring in a bill to incorporate the Steam Boat Company of Alabama, which was read the first time.

And ordered for a second reading on to-morrow.

The Senate adjourned until to-morrow morning at ten o'clock.

Wednesday, November 15, 1820.

The Senate met pursuant to adjournment.

Mr. Hodges presented the petition of sundry inhabitants of the county of Lawrence, to view and report as to the navigation of a certain stream of water, called Flint, running through that county, and the western part of Cotaco.

Ordered, that it be referred to a select committee,

Whereupon Messrs. Hodges, Garth and Metcalf, were appointed.

Mr. Gause presented the petition of sundry inhabitants of Montgomery county, praying that said county, may not be divided into two counties, or

altered otherwise except by separating from it certain southern and western parts.

On motion, ordered that it be referred to the committee on the boundaries of counties.

Mr. Chambers from the committee appointed on the part of the Senate to act jointly with the committee on the part of the house of representatives to contract for the public printing, made the following report :

That there shall be a State printer elected annually, by joint vote of both branches of the General Assembly, who shall receive a salary of dollars for his services ; and before he enters on the duties of his office, shall give bond with security to the Governor, in the sum of dollars, for the faithful performance of his duty.

On motion, ordered to lie on the table.

The engrossed bill to be entitled an act, to amend an act, passed at Huntsville, by the General Assembly of the State of Alabama, 17th December, 1819, prescribing the manner of electing certain militia officers, and deciding contested elections, was according to the order of the day read the third time and passed.

Ordered that the title of said bill be " an act, to amend an act, passed at Huntsville by the General Assembly of the State of Alabama 17th December, 1819, prescribing the manner of electing certain militia officers and deciding contested elections."

Ordered that the Secretary acquaint the house of representatives thereof.

Mr. Casey agreeably to notice asked and obtained leave to bring in a bill authorising the Governor of the State of Alabama, to transmit the acts of the General Assembly of this State to the executives of the several states in the United States, which was read the first time.

On motion ordered that said bill be read a second time on to-morrow.

Mr. Davis agreeably to notice, asked and obtained leave to bring in a bill to be entitled an act, to amend an act, entitled an act, to provide for leasing for a limited time the lands reserved by the Congress of the United States, for the support of schools within each township in this State.

On motion ordered to lie on the table.

According to the order of the day, the bill to be entitled an act, to divorce Polydore Naylor and Elizabeth Naylor, was read the second time.

And on motion, ordered that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

According to the order of the day, the Senate resolved itself into committee of the whole, on a bill to establish a public road from the southern boundary line of township eight, in range four or five, to the Falls of Tuskalooza, Mr. Farmer in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

A bill to incorporate the Steam Boat Company of Alabama, was read the second time.

And on motion of Mr. Seabury, ordered, that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

On motion by Mr. Seabury, the Senate resolved itself into a committee of the whole, on a bill to extend the limits of the town of Blakeley and to

provide for its government, Mr. Terrel in the chair, and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Terrel reported, that the committee of the whole had according to order, had said bill under consideration, and had made some progress therein, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

Mr. Ringold moved the following resolution :

Resolved, that the judiciary committee be instructed to inquire into the expediency of taking from the county courts the jurisdiction of the trial of causes by jury, and that they have leave to report by bill or otherwise

Mr. Ringold moved an amendment to said resolution, by striking out from the word expediency to the end thereof, the words of taking from the county courts the jurisdiction of the trial of causes by jury ; and that they have leave to report by bill or otherwise," and insert in lieu thereof the following words " of continuing or taking from the county courts concurrent jurisdiction of matters of debt & assumpsit" which amendment was agreed to

Mr. Casey moved an amendment to the amendment by adding thereto the following clause, "and into the expediency of abolishing the county court and establishing a court ordinary in its place, and a board of commissioners of the poor and of roads ; which was rejected.

Mr. Gause gave notice, that on to-morrow he would ask for leave to bring in a bill to compel the Governor to reside at or near the seat of government.

According to the order of the day the Senate resolved itself into a committee of the whole on the bill to be entitled an act, authorising and requiring the keepers of the several jails in this State, to receive and keep persons committed under the authority of the United States, Mr. Chambers in the chair, and after sometime spent therein the committee rose, Mr. President resumed the chair and Mr. Chambers reported, that the committee had according to order had said bill under consideration, and made an amendment thereto ; which was concurred in. And on motion said bill was read as amended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Rose gave notice that on to-morrow he would ask leave to bring in a bill having for its object an amendment to the law respecting trespasses.

The Senate proceeded to the consideration of the following memorial and resolution sent from the house of representatives, to wit :

To the Senate and House of Representatives of the Congress of the United States,

The Senate and House of Representatives of the State of Alabama, respectfully represent, that upon the petition of their constituents they are induced to address this memorial to your honourable body under the fullest confidence that the strong reasons here detailed will not fail to produce their just influence in your deliberation upon a subject of such vital importance to a large portion of the citizens of the United States. Circumstances beyond the controul of human wisdom, have changed the fair face of our national prosperity, and from the highest elevation we are suddenly depressed to a point of stagnant uncertainty ; where we remain in doubt whether we shall again ascend to our former rank, or descend to a still lower stage of declension. At the close of the late war with Great Britain, the establishment of a general peace and the consequent revival of Commerce throughout the world, cotton the staple article of this State rose to a very high price and obtained ready sale in European markets.

Shortly after this period this country was inundated with the notes of various State Banks, and a very large amount of Mississippi Stock was also in

circulation and obtainable upon easy and accommodating terms to purchasers : which stock by law had been made receivable in payment for public land in the state of Mississippi and the then territory of Alabama.

Amidst circumstances so propitious for the United States and unfortunate for the citizens of this infant State was a portion of the public land within our limits offered for sale by the government of the United States. Attracted by the fertility of our soil and stimulated by the desire of participating in the great profits which the growing of cotton promised to the planters, people from every quarter thronged the public sales loaded with Bank notes and Mississippi stock. The consequences were such as the circumstances were naturally calculated to produce. The land sold for prices unparalleled in the annals of public sales and an immense debt is now owing by the citizens to the government. The untried results of a general peace have baffled the calculations of the most prudent and sagacious merchants in the world : a general derangement of the money system has taken place ; commerce has languished, your staple commodity has fallen, to less than the price it maintained at the time of those sales. Most of the State Banks then in high credit have been compelled to curtail their discounts and call in their notes from circulation : Even the Bank of the United States which promised in its commencement a sound and safe circulation and an equality of exchange has also been constrained to diminish the circulation of its notes until they are as scarce as gold and silver, which we rarely see. The metallic currency of the country is locked up in the vaults of the Banks, and the community is left without a currency for the ordinary purposes of trade. In addition to all these adverse circumstances a law was passed by your honourable body at your last session, changing the mode of selling the public land, reducing the *minimum* price to one dollar and twenty-five cents per acre, and requiring the whole purchase money to be paid in advance.

Although this law may be wise and politic, its operation upon those who purchased before its passage is peculiarly hard ; and when added to the other circumstances enumerated, becomes oppressive. Land under the late law sells for less than former purchasers paid for the first instalment of land, only equal in quality and situation. By examining the surveyors notes and the Registers and Receivers returns, it will be seen, that land in Colbert's reserve equal in quality and situation sold in October last for less than one fourth of the price given in March 1818, for the adjacent land. This prevents former purchasers from partially relieving themselves by selling a part of the land purchased even at a loss of half the instalment paid : for none will purchase land at a high price when it can be had so cheap. Your memorialists therefore believe that a great portion of their petitioners never can pay for their land at the prices they have agreed to give. And unless your honorable body will pass a law granting them competent relief they must fall victims to the change of times and the change of policy adopted by the General Government. They have penetrated the forests but to make plantations and dwellings for their more fortunate fellow citizens who have remained in the enjoyment of social comforts, until this epoch so disastrous to our fellow citizens shall arrive. Many of them ventured into this new country and purchased land for the permanent settlement of themselves and their children ; hoping, that while they remained on this side of time they might pay for the land and secure to their wives and children the fruits of their labor, when the great author of their being should call them hence. All these pleasing hopes are now dashed to the ground, and nothing can revive them but a generous interference on the

part of your honorable body. Your memorialists therefore respectfully pray that a law may be passed by your honorable body, granting such relief as may be best suited to the circumstances of our petitioners and the policy of the General Government. And we would further represent that there is another class of citizens among us who have greatly promoted the interest of the General Government by improving lands unsold, and for the want of capital are unable to purchase lands at such prices as the lands have heretofore sold and now continue to sell for. We would therefore humbly represent the propriety of granting that relief to those who have improved public lands as may be deemed expedient.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That a copy of this memorial be forwarded to each of our Senators, and one to our representative in Congress, and they are hereby requested to use their best exertions to obtain for our fellow citizens the relief prayed for.

Which memorial and resolution were read first time.

On motion of Mr. Watkins, ordered that the rule which requires all memorials and joint resolutions to be read on three several days, be dispensed with, and that the said memorial and resolution be read the second time forthwith.

The same was accordingly read the second time, and

On motion of Mr. Chambers committed to a committee of the whole, and made the order of the day on to-morrow.

The Senate adjourned until to-morrow morning ten o'clock

Thursday, November 16, 1820.

The Senate met pursuant to adjournment.

Mr. Trotter gave notice, that on to-morrow he would ask leave to bring in a bill declaring the Creek called Oktuppa a navigable stream from the mouth thereof to Philips' mill.

Mr. Hodges presented the petition of Eugenio Campbell collector of taxes for Lawrence county, praying that a law may be passed, granting him relief for the arrears of taxes in that county.

On motion ordered, that said petition be referred to a select committee. Whereupon, Messrs. Hodges, Chambers and Gaines, were appointed.

Mr. Gause agreeably to notice, asked and obtained leave to bring in a bill to be entitled an act requiring the Governor to reside at or near the seat of Government which was read the first time.

And on motion, ordered for a second reading on to-morrow.

On motion of Mr. Casey the Senate proceeded to the orders of the day.

The bill authorising the Governor of the State of Alabama to transmit the acts of the General Assembly of this state to the Executives of the several States in the United States, was read the second time.

On motion, ordered that said bill be committed to a committee of the whole and made the order of the day on to-morrow.

According to order the Senate resolved itself into a committee of the whole on the bill providing for the appointment of Electors to vote for President and Vice President of the United States, Mr. Casey in the chair. And after sometime spent therein, the committee rose,

Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had according to order had said bill under consideration, and had instructed him to report the same without amendment.

On motion ordered, that said bill be engrossed and made the order of the day for a third reading on to morrow.

Mr. Rose agreeably to notice asked and obtained leave to bring in a bill to be entitled "an act to amend an act passed December 3d 1801 revised and amended February 10th 1807, which was read the 1st time and

On motion, ordered, that said bill be read a second time to morrow.

According to the order of the day the Senate resolved itself into a committee of the whole on the bill to be entitled "an act to divorce Pollydore Naylor and Elizabeth Naylor. Mr. Gause in the chair. And after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Gause reported that the committee of the whole had according to order had said bill under consideration and had made sundry amendments thereto; to which amendments the Senate concurred.

On motion, ordered that said bill be made the order of the day for a third reading on to morrow.

On motion of Mr. Garth, the bill to establish a public road from the southern boundary line of Township eight in Range four or five west of the basis meridian of Huntsville to the Falls of Tuscaloosa, was postponed until Monday next.

According to the order of the day, the Senate resolved itself into committee of the whole on the bill to incorporate the Steam Boat Company of Alabama, Mr. Garth in the chair, and after sometime spent therein the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole had according to order had said bill under consideration; but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

According to the order of the day the Senate resolved itself into a committee of the whole on the bill to extend the limits of the town of Blakeley and to provide for its government, Mr. Farmer in the chair, and after sometime spent therein Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had according to order had said bill under consideration and had made an amendment thereto which was read and concurred in. And

On motion, ordered to be engrossed for a third reading on to morrow.

According to the order of the day the Senate resolved itself into a committee of the whole on the memorial to the Congress of the United States and joint resolution thereon, having for their object the relief of purchasers of public land under the former laws of the United States, Mr. Watkins in the chair, And after some time spent therein,

the committee rose, Mr. President resumed the chair, and Mr. Watkins reported the same without amendment.

On motion, ordered that the said memorial and joint resolution be read a third time on to-morrow.

The engrossed bill to be entitled an act authorising and requiring the keepers of the several jails in this State to receive and keep persons committed under the authority of the United States was read the third time and passed.

On motion ordered, that the title of said bill be altered from a bill to an act authorising and requiring the keepers of the several jails in this State to receive and keep persons committed under the authority of the United States.

The Senate adjourned until to-morrow morning at ten o'clock.

Friday November 17, 1820.

The Senate met pursuant to adjournment.

Mr. Herbert presented the petition of sundry inhabitants of the county of Conecuh praying that a new county may be formed and established, consisting of certain parts of the counties of Conecuh, Monroe and Butler to be in respect of the late Governor, called the county of Bibb; which petition was referred to the committee on county boundaries.

Mr. Herbert also presented two petitions of others, inhabitants of said county, praying that no division of the county of Conecuh, may take place as above proposed; which was also referred to the committee on county boundaries.

Mr. Watkins presented the petition of a number of the inhabitants of Monroe county, praying that a part of Monroe may be added to the new county proposed by certain of the the inhabitants of Conecuh to be established and called Bibb; which petition was likewise referred to the same committee.

Mr. Watkins presented the petition of William B. Patton, Henry W. Taylor and Gurdon Robinson, in behalf of the Alabama Lodge of Free Masons No. 51, praying for permission to raise by a lottery the sum of ten thousand dollars for the purpose of building a lodge room in the town of Claiborne.

Ordered, that said petition be referred to a select committee: whereupon Messrs. Watkins, Farmer and Garth were appointed.

A bill to be entitled an act requiring the governor to reside at the seat of government, was read the second time; and on motion, ordered that said bill be committed to a committee of the whole and made the order of the day on to-morrow.

According to the order of the day, the Senate resolved itself into a committee of the whole on the bill authorizing the governor of the state of Alabama to transmit the acts of the General Assembly of this state to the Executives of the several states in the United States, Mr. Chambers in the chair; and after some time spent therein the Committee rose, Mr. President resumed the chair, and Mr. Cham-

bers reported, that the Committee had, according to order, had said bill under consideration, and had made sundry amendments thereto, which were severally read and concurred in by the Senate.

On motion. *Ordered*, That said bill be engrossed for a third reading on to-morrow.

According to order the Senate resolved itself into a Committee of the Whole on the bill to incorporate the Steam Boat Company of Alabama. Mr. Terrel in the chair; and after some time spent therein the Committee rose. Mr. President resumed the chair, and Mr. Terrel reported, that the committee of the whole had, according to order, had said bill under consideration, and had made sundry amendments thereto, which were severally read and concurred in.

Mr. Garth moved to amend said bill by adding a new section thereto, in these words, be it further enacted that a vote of three-fifths of both houses of the Legislature shall repeal all privileges and immunities arising under this act: which amendment was rejected.

On motion *ordered* that said bill with its amendments be engrossed and made the order of the day for a third reading on tomorrow.

A message from the House of Representatives by Mr. Murphy: *Mr. President*, the House of Representatives have passed an act to provide for the appointment of Electors of President and Vice-President of the United States, and a bill to provide for the renewal of the loan effected in the Planters and Merchants' Bank of Huntsville for and in behalf of this State: to which they desire your concurrence.

On motion of Mr. Watkins, *Resolved* that a committee be appointed on the part of the Senate to join such committee as may be appointed on the part of the House of Representatives to take into consideration the propriety of establishing a medical board for the State of Alabama, and that they have leave to report by bill or otherwise:

Whereupon Messrs. Watkins, Farmer and Casey were appointed a committee on the part of the Senate. *Ordered* that the Secretary acquaint the House of Representatives thereof.

The bill from the House of Representatives, entitled an act to provide for the appointment of Electors of President and Vice-President of the United States, was taken up and read the first time, and, on motion, ordered to lie on the table.

Also the bill entitled an act, for the renewal of the loan effected in the Planters and Merchants Bank of Huntsville, for and in behalf of this State, was read the first time, and

On motion, ordered to be read a second time on to-morrow.

The engrossed bill providing for the appointment of electors for President and Vice-President of the United States, was read the third time and passed.

On motion ordered that the title of said bill be altered from a bill to an act providing for the appointment of electors for President and Vice-President of the United States.

The engrossed bill to be entitled an act, to divorce Polydore Naylor and Elizabeth Naylor, was read the third time and passed.

Ordered that the title of said bill be an act, to divorce Polydore Naylor and Elizabeth Naylor.

The engrossed bill to extend the limits of the town of Blakeley and to provide for its government, was read the third time and passed:

On motion of Mr. Seabury, ordered that the title of said bill be altered to an act to provide for the government of the Town of Blakeley.

Mr. Sims gave notice that on tomorrow he would ask leave to bring in a bill to change the name of Cahawba county.

The memorial to Congress and joint resolution thereon, for the relief of purchasers of public lands under the laws of the United States, were read a third time and passed,

Ordered that the Secretary acquaint the House of Representatives thereof.

On motion of Mr. Farmer, Mr. Conner was added to the committee on finance.

Mr. Farmer gave notice, that on to morrow he would ask leave to bring in a bill concerning Divorce and Alimony.

The senate adjourned until to morrow ten o'clock.

Saturday, November 18, 1820.

The Senate met pursuant to adjournment.

Mr. Herbert, presented the petition of sundry inhabitants of Conecuh county, praying that no division or material alteration may be made of that county.

On motion of Mr. Herbert, the said petition was referred to committee on county boundaries.

Mr. Casey presented the petition of a number of citizens of Dallas county praying that no separation may be made of that part of the county which lies west of the Range line number thirteen on the east of the Alabama river.

On motion ordered to be referred to the same committee.

Mr. Casey presented the report of the commissioners appointed to take charge of the public lands and property within the limits of the town of Cahawba.

On motion of Mr. Casey, ordered, that said report together with the documents accompanying the same, be referred to the committee on the State House.

Mr. Chambers presented the petition of sundry inhabitants of Clarke county, praying that Augustus Forscue, may be compensated for a negro man his property, who was condemned and executed in this state for the crime of murder.

On motion ordered, that said petition be referred to a select committee.

Whereupon Messrs. Chambers, Ringgold and Davis were appointed.

Mr. Trotter agreeably to notice, asked and obtained leave to bring in a bill declaring the Oktuppa creek a navigable stream; which was read the first time.

On motion ordered that said bill be read a 2d time on Monday next.

Mr. Gause moved for the order of the day.

And a bill to be entitled an Act to amend an Act passed December 3, 1801, revised and amended, February 10, 1807, was read a second time committed to a committee of the whole and made the order of the day on Monday next.

A bill to be entitled an act to provide for the renewal of the law effected in the Planters' and Merchants' Bank of Huntsville, was read the second time, and on motion ordered to be read a third time on Monday next.

According to the order of the day the Senate resolved itself into a Committee of the Whole on a bill to be entitled an act requiring the Governor to reside at the seat of government, Mr. Garth in the chair; and after some time spent therein the Committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the Committee of the Whole had, according to order, had said bill under consideration, and had directed him to report the same with an amendment; which bill, as amended, was read.

On motion, the question that the Senate do now concur in said amendment, was taken, the yeas and nays being called for, it passed in the affirmative---Yeas, 13; Nays. 7.

Those who voted in the affirmative, are Messrs. Casey, Chambers, Connor, Farmer, Gause, Harwell, Herbert, Hogg, Metcalf, Terrel, Trotter, Watkins, and Ware.

Those who voted in the negative, are Messrs. President, Davis, Garth, Gaines, Ringgold, Seabury, and Sims.

Mr. Chambers moved for a re-consideration of said question. And the question being taken thereupon, it was decided in the negative.

On motion, ordered that said bill be engrossed, and read a third time on Monday next.

A Message from the House of Representatives, by Mr. Walker.

MR. PRESIDENT---The House of Representatives have passed a bill to be entitled an act to provide for the public printing, and for other purposes; which bill was read the first time: and,

On motion of Mr. Davis, the rule which requires all bills to be read on three several days, was dispensed with; and,

On motion, said bill was read a second time, and committed to a Committee of the Whole on Monday next.

Mr. Gause, from the Committee on enrolled Bills, reported, that the said committee had examined the joint resolution adopted by the General Assembly, in commemoration of our late Governor, William W. Bibb, and found the same truly enrolled.

The engrossed Bill authorising the Governor of the State of Alabama to transmit the Acts of the General Assembly of this state, was read a third time, and passed.

Ordered, That the title of said bill be an act authorising the Governor of the State of Alabama, to transmit the acts of the General Assembly of this state to the executives of the several states in the United States.

A bill to incorporate the steam boat company of Alabama, was read a third time and passed.

Ordered, that the title of said bill be An Act to incorporate the Steam Boat Company of Alabama.

On motion of Mr. Seabury the Senate adopted the following Resolution: *Resolved*, That a Committee be appointed to inquire into the expediency of ceding to the United States the jurisdiction of so much land as may be necessary for the purpose of building a Light-House, and for the accommodation of the keepers thereof, at Mobile Point.

Whereupon Messrs. Seabury, Harwell, and Trotter were appointed.

Mr. Gaines gave notice that on Monday next he would ask for leave to bring in a bill to establish additional election precincts in the county of Jackson.

Mr. Terrel gave notice, that on Monday next he would ask for leave to bring in a bill authorising a Lottery for the benefit of the navigation of the Buttahache river.

Also a bill for the division of Marion County.

Mr. Watkins, from the Select Committee, to whom was referred the petition in behalf of the Alabama Lodge of Free-Masons No 51, praying for permission to raise, by a Lottery, the sum of Ten thousand Dollars, for the purpose of building a Lodge-Room at the town of Claiborne, reported by a bill; which was read the first time.

And on motion, ordered to be read a second time on Monday next.

A Message from the House of Representatives, by Mr. Walker.

MR. PRESIDENT---The House of Representatives have passed a joint resolution authorising the relief of certain persons therein named, with which they desire your concurrence.

Said joint resolution was read the first time.

And on motion of Mr. Sims, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with.

The same was accordingly read a second and third time forthwith, and passed. Ordered, that the Secretary acquaint the House of Representatives thereof.

A Message from the House of Representatives, by Mr. Armstrong.

The House of Representative have passed a bill entitled an act to amend an act, passed at Huntsville on the 16th December, 1819, entitled at act to alter and amend the laws regulating the admission and practice of Counsellors and Attornies at law, in which they desire your concurrence.

The said bill was read the first time, and, on motion, ordered to be read a second time on Monday next.

Mr. Gause, from the Committee on enrolled Bills, reported, that the Committee had examined the joint resolution of both Houses of the General Assembly, for the relief of certain persons therein named, and found the same duly enrolled; which was accordingly signed by the President.

The Senate adjourned until Monday, at 12 o'clock, noon.

Monday, November 20, 1820.

The Senate met pursuant to adjournment.

Mr. Hodges, agreeably to notice, asked and obtained leave to bring in a bill to be entitled an act authorising a review of Flint river; which was read the first time, and, on motion, *Ordered*, That said bill be read a second time on to-morrow.

On motion of Mr. Herbert the following resolution was adopted: *Resolved*, That a Committee be appointed to prepare and bring in a bill to alter and amend the Constitution of this state, so that each county shall have a Senator and at least one Representative; whereupon Messrs. Herbert, Sims, and Gause were appointed.

Mr. Casey gave notice, that on to-morrow he would ask for leave to bring in a bill to be entitled an act permitting Merchants, Shopkeepers, Traders, Physicians, and Apothecaries to prove their books of accounts; also

A bill to be entitled an act to afford a summary relief to persons purchasing lands of the United States.

Received a Message from the House of Representatives, by Mr. Chapman.

Mr. President,---The House of Representatives have passed a bill to be entitled an act to authorise Lemuel Mead to emancipate a negro man slave, named Richmond; also

A bill to be entitled an act to authorise Daniel Reed to emancipate certain slaves therein named, to which they desire your concurrence.

Which bills were severally read the first time; and, on motion, ordered to be read a second time on to-morrow.

Mr. Ringgold, agreeably to notice, asked for and obtained leave to bring in a bill to provide for fixing the permanent Seat of Justice for the county of Marengo, and for other purposes therein mentioned; which was read the first time. On motion, *Ordered*, That said bill be read a second time on to-morrow.

Mr. Gaines presented the petition of a number of citizens of Jackson county, praying that Mary King may be permitted to retail spirituous liquors, without paying for license.

On motion of Mr. Gaines, *Ordered*, That said petition be referred to the Committee on Propositions and Grievances.

According to the order of the day the bill declaring the Oaktuppa Creek a navigable stream, was read the second time.

On motion of Mr. Trotter, *Ordered*, That said bill be committed to a Committee of the Whole, and made the order of the day on to-morrow.

A Message from the House of Representatives, by Mr. Weedon.

Mr. President, The House of Representatives have passed the following bills: to wit.

An act to authorise John N. S. Jones, and Alexander P. Jones, to emancipate certain slaves therein named. An act to authorise Killis Walton to emancipate a negro man slave, named Tom. An act to authorise Gilbert D. Taylor to emancipate certain slaves therein named. An act to change the names of, and legitimate, certain persons

therein named; and An act to incorporate the town of Selma, in the County of Dallas. To which they desire your concurrence.

On motion of Mr. Garth the Senate resolved itself into a Committee of the Whole, on the bill to establish a public road from the southern boundary line of township eight, in range four or five, west of the basis meridian of Huntsville to the Falls of Tuscaloosa, Mr. Casey in the chair; and after some time spent therein, the Committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the Committee of the Whole had, according to order, had said bill under consideration, and had made sundry amendments thereto, which were concurred in.

Mr. Casey moved further to amend said bill by striking out in the fourth section the words "two thousand," for the purpose of inserting in lieu thereof the words "three thousand." And the question being put, it passed in the negative.

On motion of Mr. Garth said bill was then read as amended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Chambers, agreeably to notice, asked and obtained leave to bring in a bill to be entitled an act to amend an act to alter and amend an act regulating Hawkers and Pedlars; which was read the first time.

On motion of Mr. Chambers, *Ordered*, That said bill be read a second time on to-morrow.

On motion of Mr. Farmer, *Resolved*, That a Committee be appointed on the part of the Senate to act with such Committee as may be appointed on the part of the House of Representatives, to take into consideration the propriety of providing for the safe keeping of the records and papers belonging and appertaining to the Legislature of the State of Alabama; and that said Committee have leave to report by bill or otherwise: whereupon Messrs. Farmer, Gaines, and Herbert were appointed on the part of the Senate.

Ordered, That a Message be sent to the House of Representatives informing them thereof, and desiring their concurrence.

The bill entitled an act to amend an act passed at Huntsville on the 16th December, 1819, entitled an act to alter and amend the laws regulating the admission and practice of Counsellors and Attornies at law was read a second time.

On motion, *Ordered*, That said bill be committed to a Committee of the Whole, and made the order of the day on to-morrow.

Mr. Rose moved, that the Senate adjourn until to-morrow morning, ten o'clock.

And the question being taken thereupon, it passed in the negative.

Mr. Casey then called for the orders of the day.

And according to order the Senate resolved itself into a Committee of the Whole, on the bill to be entitled an act to provide for the public printing, and for other purposes, Mr. Garth in the chair; and after some time spent therein, the Committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the Committee of the Whole had, according to order, had said bill under considera-

tion; but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

Mr. Terrel, agreeably to notice, asked for, and obtained, leave to bring in a bill to be entitled an act authorising a Lottery for the benefit of the navigation of Buttahatchee river; which was read the first time.

On motion of Mr. Terrel, *Ordered*, That said bill be read a second time on to-morrow.

Mr. Gaines, agreeably to notice, asked for, and obtained, leave to bring in a bill to be entitled an act to amend an act passed last session of the General Assembly, to provide two additional election precincts in the County of Jackson; which was read the first time.

On motion of Mr. Rose. *Ordered*. That said bill be read a second time on to-morrow.

Mr. Terrel, from the Committee to whom was referred the drafting a Memorial to the general government, on the subject of a repeal of the law restricting the taxation of certain lands, and for other purposes, asked for and obtained leave to report the following draft:

The General Assembly of the State of Alabama to the Congress of the United States respectfully represent,

That by an act of the general government enabling the people of the Alabama Territory to form a Constitution and state government, and for the admission of such state into the Union on an equal footing with the original states, it is declared, that each and every tract of land, sold by the United States after the first day of September next following the enactment of the recited law, shall be and remain exempt from any tax laid by the order, or under the authority of this state, whether for state, county, township, parish, or any other purpose whatsoever, for the term of five years from and after the respective days of the sales thereof. The situation of the United States lands, anterior to the abolition of the law, which at that day controlled its sales, at once evinced the policy of the restrictive measure. The law under which the Government lands are now sold, goes at once to destroy the reason upon which this law was predicated, and seems strongly to indicate a repeal of the restriction.

In the same law it is also declared, that all navigable waters within the State of Alabama shall for ever remain public highways, free to the citizens of this state and of the United States, without any tax, duty, impost, or toll therefor, imposed by this state. To this section of the law the Convention of Alabama conceived a cause of regret; but which at that moment was deemed irremediable. The soundest reflection which can be afforded on the relations of this country induces a belief, that to navigate a portion of our rivers by means out of which tolls will follow, will be the best policy; and it being impossible for your memorialists to conceive the point of injury to the United States, pray the abolition of this restriction also, with the condition that no tax duty, impost, or toll, shall ever be imposed on

any citizen of the United States, other than those imposed on the citizens of the State of Alabama.

Which was read the first time, and ordered for a second reading to-morrow.

The Senate adjourned until to-morrow morning ten o'clock.

Tuesday, November 21, 1820.

The Senate met pursuant to adjournment.

Mr. Trotter, from the Committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of the county of Jackson, in behalf of Mary King, of that county, praying that she may be permitted to retail spirituous liquors without license, reported, that the prayer of said petitioners ought not to be granted.

A Message from His Honour the now Acting Governor, by Thomas A. Rogers, Esq. Secretary of State.

Mr. President, I am instructed by the Acting Governor, to inform you, that he did on the 18th instant approve and sign a resolution of the General Assembly expressive of their feelings on the loss of our late chief magistrate, William W. Bibb; which originated in your honorable body.

A bill to be entitled an act to authorize John N. S. Jones and Alexander P. Jones to emancipate certain slaves therein named, was read the first time.

On motion of Mr. Casey the Senate proceeded to the question shall said bill pass to a second reading and be made the order of the day on to-morrow; the yeas and nays being called for, it was decided in the affirmative.---yeas 12---nays 11.

Those who voted in the affirmative are Messrs. President, Chambers, Connor, Davis, Hanby, Harwell, Herbert, Hodges, Rose, Seabury, Sims and Terrell.

Those who voted in the negative are Messrs. Casey, Farmer, Garth, Gause, Gaines, Hogg, Metcalf, Ringgold, Trotter, Watkins and Ware.

An act to incorporate the town of Selma in the county of Dallas; An act to authorize Gilbert D. Taylor to emancipate certain slaves therein named; An act to authorize Killis Walton to emancipate a negro man slave named Tom; And an act to change the names of and legitimate certain persons therein named, were severally read the first time; and on motion, ordered to be read a second time and made the order of the day on to-morrow.

A bill to be entitled an act authorizing a lottery for the benefit of the Alabama Lodge No. 51 of Ancient Free Masons, was read a second time; on motion of Mr. Watkins, ordered, that said bill be committed to a committee of the whole and made the order of the day on to-morrow.

A bill to be entitled an act authorizing a review of Flint river was read the second time; on motion of Mr. Hodges, ordered that said bill be committed to a committee of the whole and made the order of the day on to-morrow.

A bill to be entitled an act to authorize Lemuel Mead to emancipate a negro man slave named Richmond; and, a bill to be entitled

an act to authorize Daniel Reed to emancipate certain slaves therein named, were severally read a second time; on motion of Mr. Terrell said bills were respectively committed to a committee of the whole and made the order of the day on to-morrow.

A bill to provide for fixing the site for the permanent seat of justice for the county of Marengo, and for other purposes, was read a second time.

On motion of Mr. Trotter, *Ordered*, That said bill be committed to a Committee of the Whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to alter and amend an act, regulating hawkers and pedlars, was read a second time.

On motion of Mr. Chambers, ordered, that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

The memorial to the general government on the subject of a repeal of the law, restricting the taxation of certain lands and for other purposes, was read the second time.

On motion of Mr. Terrell, ordered that said memorial be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to amend an act, passed last General Assembly, to provide two additional election precincts in the county of Jackson, was read the second time, and

On motion of Mr. Gaines said bill was ordered to be engrossed and read a third time on to-morrow.

A bill authorising a lottery for the benefit of the navigation of the Butta-hatchee river, was on motion of Mr. Rose read a second time by its caption.

On motion of Mr. Terrell, ordered that said bill be committed to a committee of the whole and made the order of the day on to-morrow.

On motion of Mr. Casey, the Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to provide for the public printing and for other purposes, Mr. Farmer in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Farmer reported, that the committee of the whole had according to order had said bill under consideration, and had made sundry amendments thereto, which were concurred in.

Said bill as amended was read, and ordered for a third reading on to-morrow.

Mr. Rose called for the orders of the day, and according to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to amend an act, passed December 3, 1801, revised and amended February 10, 1807, Mr. Watkins in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration; but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

The Senate adjourned, until to-morrow morning ten o'clock.

Wednesday, November 22, 1820.

The Senate met pursuant to adjournment.

Mr. Casey agreeably to notice, asked for and obtained leave to introduce a bill to be entitled an act, permitting shop keepers, tradesmen, physicians and apothecaries, to prove their books of account; which was read the first time.

Ordered that said bill be read the second time on to-morrow.

Mr. Casey also agreeably to notice asked for and obtained leave to bring in a bill to be entitled an act, to afford summary relief to persons purchasing lands of the United States, which was read the first time.

Ordered to be read a second time on to-morrow.

On motion of Mr. Sims, the committee of the whole was discharged from the further consideration of the bill, entitled an act, to amend an act, passed at Huntsville, on the 11th December, 1819, entitled an act, to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law.

On motion of Mr. Sims said bill was read the third time and passed.

Ordered that the Secretary acquaint the house of representatives thereof.

On motion of Mr. Casey, an act to provide for the appointment of electors of President and Vice President of the United States, was taken up and read the second time.

On motion of Mr. Garth, the words "twenty second" in the third and fourth lines of the first section were stricken out.

On motion of Mr. Casey, the blank was filled with the words "twenty fifth."

Said bill as amended was read, and on motion ordered to be read a third time on to-morrow.

Mr. Chambers agreeably to notice, asked for and obtained leave to bring in a bill for the relief of Augustus Forscue; which was read the first time.

On motion ordered to be read a second time on to-morrow.

Received a message from the house of representatives by Messrs. Perry, and Moore of Madison.

Mr. President---The house of representatives have passed an act, appointing commissioners to lay out a road on or near the dividing line, between the counties of Madison and Limestone, and an act for the relief of John Boyce, to which they desire your concurrence.

Said bills were severally read the first time, and on motion ordered to be read a second time on to-morrow.

Mr. Casey introduced the memorial of Dunklin Sullivan, Jonas Brown and Jesse Beene, in behalf of the Halo lodge of free and ancient York masons, praying that a law may be passed, authorising the members of said lodge to raise by a lottery a sum not exceeding twenty thousand dollars for the benefit thereof.

On motion of Mr. Casey, said memorial was referred to a select committee.

Whereupon Messrs. Watkins, Farmer and Garth, were appointed.

On motion of Mr. Gause, a bill to be entitled an act, requiring the Governor to reside at the seat of government was read the third time and passed.

Ordered that the title of said bill be an act, requiring the Governor to reside at the seat of government.

An act to provide for the public printing and for other purposes was read the third time and passed.

An act to authorise John N. S. Jones, and Alexander P. Jones, to emancipate certain slaves therein named; was read the second time, and on motion ordered to be read a third time on to-morrow.

An act to incorporate the town of Selma, in the county of Dallas, was read the second time.

On motion ordered that said bill be committed to a committee of the whole and made the order of the day on to-morrow.

A bill to be entitled an act, to authorise Gilbert D. Taylor, to emancipate certain slaves therein named, was on motion of Mr. Watkins indefinitely postponed.

On motion of Mr. Watkins the bill entitled an act, to authorise Killis Walton, to emancipate a negro man slave, named Tom, was ordered to lie on the table.

An act to change the names, and legitimate certain persons therein named, was read the second time. And on motion ordered to be read a third time on to-morrow.

According to the order of the day, the Senate resolved itself into a committee of the whole on a bill to be entitled an act, to declare Oaktappa creek a navigable stream, &c. Mr. Davis in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had according to order had said bill under consideration, and had made an amendment thereto by striking out the second section, which was concurred in.

Said bill as amended was read, and on motion of Mr. Trotter ordered to be engrossed for a third reading on to-morrow.

Received a message from the house of representatives, by Mr. Chapman.

Mr. President, the House of Representatives have adopted the following resolution: *Resolved*, That the Senate and House of Representatives of the State of Alabama, will on Thursday the 23rd inst. assemble in the Representative Hall, for the purpose of electing a Comptroller and Treasurer.

Mr. Garth moved to amend said resolution by striking out the word "and" between the word "Comptroller" and the word "Treasurer" and by adding these words, "and a public printer;" and the question being put thereon, it passed in the affirmative.

Ordered that the Senate do concur in said resolution as amended, and that the Secretary acquaint the house of representatives thereof.

On motion of Mr. Casey, the order of the day on a bill to be entitled an act, authorising a lottery for the benefit of the Alabama Lodge, No. 51, of ancient free masons, was postponed until to-morrow.

According to the order of the day, the Senate resolved itself into a committee of the whole on a bill to be entitled an act, authorizing a review of Flat river, Mr. Garth in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Garth reported that the committee of the whole had according to order had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again.

On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of said bill.

Mr. Watkins moved that said bill be referred to a select committee, and the question being put thereon it was decided in the negative.

On motion of Mr. Garth the second section of the bill was stricken out.

Said bill was then read as amended and ordered to be engrossed for a third reading on to-morrow.

Mr. Terrel agreeably to notice asked for and obtained leave to bring in a bill to define the boundaries of Marion county ; which was read the first time, and

On motion ordered to be read a second time on to-morrow.

Mr. Terrel from the joint committee appointed by both houses to arrange the funeral procession on the death of the late Governor William W. Bibb, reported as follows :

1st. The members of both branches of the Legislature shall assemble at Mr. White's long room, at eleven o'clock on the 26th instant.

2d. The front of the Speaker's seat shall be clothed in mourning under the direction of the President of the Senate, and the Speaker of the House of Representatives.

3d. His Excellency the acting Governor and the Rev. Mr. Kennedy, shall head the procession. The Senate shall proceed the next in order, in pairs to be arranged by the President, who associated with the Secretary of the Senate, shall head that body.

4th. The Representative branch shall move in like order.

5th. The heads of the departments of State, and the Judges of the Supreme Court shall move next in order : to be arranged by the Secretary of State.

6. Four chairs shall be placed on the Speakers seat for the reception of the Governor, the President of the Senate, the Speaker and the Divine.

7. The Senate shall take seats on the right. The representatives on the left. The heads of department and the judges in the centre. Seats shall be prepared by the respective door keepers.

According to the order of the day, the Senate resolved itself into a committee of the whole on the memorial to the general government on the subject of a repeal of the law respecting the taxation of certain lands and for other purposes, Mr. Watkins in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had according to order, had said memorial under consideration, and had made amendments thereto, which was read and concurred in.

On motion of Mr. Terrel, ordered that said memorial be engrossed and read a third time on to-morrow.

According to order, the senate resolved itself into a committee of the whole, on a bill to be entitled an act, to authorise a lottery for the benefit of the navigation of the Buttahachie river, Mr. Farmer in the chair, and after sometime spent therein, the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee had according to order, had said bill under consideration, and had made sundry amendments thereto, which were concurred in.

Mr. Sims moved to amend said bill, by adding at the close of the first section these words, "or so much thereof as lies within the state of Alabama;" and the question being taken thereupon, it passed in the negative.

Said bill as amended was read, and on motion ordered to be engrossed for a third reading on to-morrow.

Mr. Terrel introduced the following joint resolution; which was read the first time.

Resolved by the Senate and House of Representatives in General Assembly convened, That the secretary of state, the comptroller of public accounts, and the state treasurer, shall personally reside at the seat of government.

On motion said joint resolution was ordered to be read a second time on to-morrow.

On motion of Mr. Watkins, *Ordered*. That the Committee of the Whole be discharged from the further consideration of an act to authorise Daniel Reed to emancipate certain slaves therein named; and an act authorising Lemuel Mead to emancipate a negro man slave named Richmond: and that said bills lie on the table.

The Senate adjourned until to-morrow morning nine o'clock.

Thursday, November 23, 1820.

The Senate met pursuant to adjournment.

Mr. Gause presented the petition of sundry inhabitants of Montgomery County, praying that said county may not be divided into two counties, or altered otherwise, except by separating from its certain southern and western parts.

Mr. Herbert, from the Committee on Roads, Ferries, and Bridges, asked and obtained leave to report a bill to be entitled an act to amend the laws now in force in the state respecting public roads; which was read the first time, and, on motion of Mr. Herbert, ordered to be read a second time on to-morrow.

On motion of Mr. Farmer, *Resolved*, That a Committee be appointed to consider the propriety of memorializing Congress for the donation of certain Islands in sundry rivers in the State of Alabama; whereupon Messrs Farmer, Seabury, and Hodges were appointed.

On motion of Mr. Ringgold the Senate, according to order, resolved itself into a Committee of the Whole on a bill to provide for fixing the site for the permanent seat of justice for the County of Marengo, and for other purposes therein mentioned, Mr. Farmer in the chair; and after some time spent therein the Committee rose, Mr. President resumed the chair, and Mr. Farmer reported, that the Committee of the Whole had, according to order, had said bill under consideration, and had made sundry amendments thereto; which were severally read and concurred in.

On motion of Mr. Ringgold, *Ordered*, That said bill, as amended, be engrossed, and read a third time on to-morrow.

A Message from the House of Representatives, by Messrs. Chapman and M'Means;

Mr. President,

The House of Representatives have concurred in the amendment of the Senate, by adding a public printer to the Resolution adopted by the House of Representatives, proposing to go into the election for Comptroller and Treasurer, and are ready to receive you in the Representative Hall for the purpose of going into the election of Comptroller, Treasurer, and Public Printer: whereupon the members of the Senate, preceded by the Secretary, repaired to the Representative Hall, and having taken the seats assigned them, both having proceeded to the election of a Comptroller of public accounts; Samuel Pickens being in nomination, and the election being conducted *viva voce*, all the members present voted for Mr. Pickens. Mr. Speaker announced, that Samuel Pickens was unanimously elected to said office.

Both Houses then proceeded to the election of State Treasurer; Jack F. Ross and Willis Roberts being nominated, and the election being conducted *viva voce*, those who voted for Mr. Ross are Messrs. Connor, Davis, Farmer, Garth, Gaines, Gause, Harwell, Hogg, Seabury, Sims, Terrel, Trotter, Watkins, Ware, Mr. Speaker, Armstrong, of Mobile, Armstrong, of Conecuh, Bigham, Bailey, Isaac Brown, John Brown, Col. John Brown, Chambers, *Representative*, Chapman, Clay, Creagh, Cook, Coleman, Draughan, Dale, Doxey, Davis, Edmundson, Evans, Fitzpatrick, of Montgomery, Fitzpatrick, of Autauga, Isbell, Jackson, M'Kinley, Moore, of Madison, Murphey, Morton, M'Vay, Mims, Rather, Shackelford, Smoot, and Tagart---48.

Those who voted for Mr. Roberts are Messrs. President, Casey, Chambers, Hanby, Herbert, Hodges, Metcalf, Ringgold, Rose, *Senators*; Abercrombie, Benson, Cleaveland, Coats, Duke, Hill, Holderness, Leake, Murrel, M'Means, Moore, of Marion, Perry, Perkins, Sargeant, Vining, Walker, and Weedon---26.

Mr. Ross having a majority of all the members, Mr. Speaker rose, and announced him elected.

Both Houses proceeded to elect a State Printer; William B. Allen and Augustina Parsons were nominated, and the election being conducted *viva voce*, those who voted for Mr. Allen are Messrs. Chambers, Connor, Farmer, Garth, Gaines, Harwell, Hodges, Metcalf, Ringgold, Rose, Seabury, Sims, Terrel, Trotter, Watkins, Ware, *Representatives*---Mr. Speaker, Armstrong, of Mobile, Armstrong, of Conecuh, Bigham, Bailey, Col. John Brown, Clay, Creagh, Cook, Coats, Coleman, Draughan, Dale, Davis, Fitzpatrick, of Montgomery, Holderness, Leake, Murrel, M'Means, Moore, of Marion, M'Vay, Mims, Perry, Shackelford, Sargeant, Smoot, Tagert, Vining, and Weedon---44.

Those who voted for Mr. Parsons are Messrs. President, Casey, Davis, Gause, Hanby, Herbert, Hogg, Fitzpatrick, of Autauga, Hill, Isbell, Jackson, M'Kinley, Moore, of Madison, Murphey, Morton, Perkins, Rather, and Walker---30.

Mr. Allen having a majority of all the members, Mr. Speaker rose, and announced him elected Public Printer for the State.

Having gone through the elections the Senate withdrew to their own chamber.

On motion of Mr. Davis a bill to be entitled an act to amend an act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for the support of Schools within each township of this State, for a seminary of learning, and for other purposes, was taken up and read the first time, and

On motion of Mr. Davis, ordered to be read a second time on to-morrow.

A message from the House of Representatives, by Mr. Chapman.

MR. PRESIDENT---The House of Representatives have passed a bill entitled an act to incorporate the Cahawba Navigation Company, in which they desire your concurrence.

Said bill was read the first time, and, on motion, ordered to be read a second time on to-morrow.

Mr. Farmer, agreeably to notice, asked for and obtained leave to bring in a bill concerning divorce and alimony; which was read the first time, and, on motion, ordered to be read a second time on to-morrow.

An act to provide for the renewal of the loan effected on the Planters' and Merchants' Bank of Huntsville for and in behalf of this State, was read the third time, and passed.

The Engrossed Bill to be entitled an act to amend an act passed last General Assembly to provide two additional election precincts in the county of Jackson, was read the third time, and passed.

On motion, Ordered, That the title be altered to that of an act providing two additional election precincts in the county of Jackson.

An act to provide for the appointment of electors of President and Vice President of the United States, was read the third time with its amendments, and passed. Ordered, that the Secretary acquaint the House of Representatives thereof.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the bill entitled an act to provide for the public printing and for other purposes, and found the same duly enrolled; which was accordingly signed by Mr. President.

An act to change the names of and legitimate certain persons therein named was read the third time and passed.

The Engrossed Bill declaring the Oaktuppa creek a navigable stream, &c, was read the third time and passed. Ordered, that the title of said bill be altered to that of "an act declaring the Oaktuppa creek a navigable stream," &c.

The engrossed memorial to the General Government on the subject of a repeal of the law restricting the taxation of certain lands & for other purposes, was read the third time; and on motion of Mr. Davis, recommitted to a committee of the whole and made the order of the day on to-morrow.

The engrossed bill entitled "an act authorising a review of Flint

River, was read the third and passed. *Ordered*, that the title of said bill be "an act authorising a review of Flint river."

The engrossed bill to be entitled an act authorising a lottery for the benefit of the navigation of the Buttahache river, was read the third time and passed. *Ordered*, that the title of said bill be altered from a bill, to that of "an act authorising a lottery for the benefit of the navigation of the Buttahache river."

A bill to be entitled an act permitting merchants, shopkeepers, tradesmen, physicians and apothecaries to prove their books of account, was on motion of Mr. Casey read a second time by its caption; and on motion, *Ordered*, to be committed to a committee of the whole and made the order of the day on to-morrow.

A bill to be entitled an act to afford summary relief to persons purchasing lands of the United States, was, on motion of Mr. Garth, read the second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act for the relief of Augustus Forscue, was, on motion of Mr. Garth, read a second time by its caption, and committed to a committee of the whole, and made the order of the day on to-morrow.

An act for the relief of John Boyce was read a second time, and, on motion, ordered to be read a third time on to-morrow.

An act appointing commissioners to lay out a road on or near the dividing line between the counties of Madison and Limestone, was read a second time, and, on motion, ordered for a third reading on to-morrow.

A bill to be entitled an act to define the boundaries of Marion County, and for other purposes, was read the second time. On motion of Mr. Terrel, *Ordered*, That said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

According to the order of the day the Senate resolved itself into a committee of the whole on a bill to be entitled an act to alter and amend an act regulating hawkers and pedlars, Mr. Watkins in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was refused. On motion of Mr. Sims, *Ordered*, That said bill lie on the table.

According to order the Senate resolved itself into a committee of the whole on a bill to be entitled an act to amend an act passed December 3, 1801, revised and amended February 10, 1807, Mr. Casey in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was granted.

Mr. Terrell gave notice, that on to-morrow he would ask for leave to bring in a bill to regulate Justices Courts.

According to the order of the day the Senate resolved itself into a committee of the whole on an act to incorporate the town of Selma, in the County of Dallas, Mr. Garth in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same, with sundry amendments; which were concurred in.

Mr. Garth moved to strike out, in the latter part of the sixth section of said bill, these words, "to confine any person or persons for a time not exceeding two hours;" and the question being put thereon it passed in the negative. Said bill, as amended, was read, and ordered for its third reading on to-morrow.

Mr. Casey, agreeably to notice, asked for and obtained leave to bring in a bill to provide additional election precincts in Dallas County; which was read the first time; and, on motion, ordered to be read a second time on to-morrow.

On motion the Senate adjourned until to-morrow morning nine o'clock.

Friday, November 24, 1820.

The Senate met pursuant to adjournment.

Mr. Casey presented the petition of sundry inhabitants of Dallas County, praying for an additional election precinct in said county; which was ordered to lie on the table.

Mr. Rose moved that the senator from Montgomery have leave of absence until Tuesday next; which was granted.

According to the order of the day the bill to be entitled an act to amend the laws now in force in the state respecting public roads, was read the second time, and, on motion of Mr. Casey committed to a committee of the whole and made the order of the day on to-morrow. An act to incorporate the Cahawba Navigation Company was read a second time. On motion, ordered that said bill be read a third time on tomorrow.

A bill to be entitled an act to amend an act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for the support of schools within each township of this state, for a seminary of learning and for other purposes was read the second time.

On motion of Mr. Casey, ordered that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill concerning divorce and alimony, was read the second time, and on motion of Mr. Casey, committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to provide additional election precincts in Dallas county, was read the second time. On motion said bill was ordered to be engrossed and read a third time on to-morrow.

A joint resolution requiring the Secretary of State, the Comptroller of Public Accounts, and the State Treasurer, to reside at the seat of government, was read the second time. On motion said resolution was ordered to be read a third time on to-morrow.

The engrossed memorial to the general government on the subject of a repeal of the law, restricting the taxation of certain lands, and for other purposes, was on motion of Mr. Terrel laid on the table.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, permitting merchants, shopkeepers, tradesmen, physicians and apothecaries, to prove their books of account, Mr. Chambers in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had according to order had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

According to order the Senate resolved itself into a committee of the whole on a bill, to be entitled an act, authorising a lottery for the benefit of the Alabama lodge, Number 51, of ancient free masons, Mr. Casey in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which were concurred in.

Said bill as amended was then read, and on motion ordered to be engrossed for a third reading on to-morrow.

According to order, the Senate resolved itself into a committee of the whole on the bill, to be entitled an act, to afford summary relief to persons purchasing lands of the United States, Mr. Watkins in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again.

On motion of Mr. Casey, the committee of the whole was discharged, from the further consideration of said bill.

On motion, ordered that the said bill be referred to a select committee. Whereupon, Messrs. Casey, Watkins, and Sims, were appointed.

According to order, the Senate resolved itself into a committee of the whole, on a bill entitled an act, for the relief of Augustus Forscue, Mr. Garth in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Garth reported that the committee of the whole had according to order, had said bill under consideration, and had directed him to report the same with sundry amendments thereto, which were concurred in.

Mr. Casey from the committee on enrolled bills, reported that the committee had examined the following bills, and found them truly enrolled.

An act, to amend an act, passed at Huntsville, on the 16th December, 1819, entitled an act, to alter and amend the laws regulating the admission and practice of counsellors and attornies at law.

An act to change the names of, and legitimate certain persons therein named, and

An act, to provide for a renewal of the loan effected in the Planters' and Merchants Bank of Huntsville, for and in behalf of this State, which were severally signed by Mr. President.

According to the order of the day, the Senate resolved itself into a committee of the whole, on a bill to define the boundaries of Marion county, and for other purposes, Mr. Chambers in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had according to order had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

On motion of Mr. Farmer. *resolved*, that the committee on navigation be instructed to inquire what part of the duties has been performed, which were assigned to the engineer appointed by his Excellency the Governor, under the provisions of an act of the Legislature of Alabama, passed at Huntsville, the 13th day of December, 1819, entitled an act, to provide for examining certain rivers therein named, and for other purposes; also to inquire into the expediency of passing a law creating a fund for internal improvements, and to establish a board for the management thereof.

According to the order of the day, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to amend an act, passed December 3, 1801, revised and amended February 10, 1807, Mr. Farmer in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had according to order had said bill under consideration, and had directed him to report the same with an amendment thereto, which was concurred in.

Said bill as amended, was read, and on motion ordered to be engrossed, and made the order of the day, for a third reading on to-morrow.

The engrossed bill to provide for fixing the site for the permanent seat of justice for the county of Marengo, and for other purposes therein mentioned, was read the third time and passed

On motion, ordered that the title of said bill be altered from a bill to that of an act, to provide for fixing the permanent seat of justice for the county of Marengo, and for other purposes therein mentioned.

An act, for the relief of John Boyce, and an act, appointing commissioners to lay out a road on or near the dividing line, between the counties of Madison and Limestone, were severally read the third time and passed.

An act, to incorporate the town of Selma, in the county of Dallas, with its amendments was read the third time and passed. Ordered that the Secretary acquaint the house of representatives thereof.

The engrossed bill to establish a public road from the southern boundary line of township eight, in range four or five, west of the basis meridian of Huntsville to the Falls of Tuskaloosa, was read the third time and passed. Ordered that the title of said bill be altered from a bill to an act, to establish a public road from the southern boundary line of township eight, in range four or five, west of the basis meridian of Huntsville to the Falls of Tuskaloosa.

On motion of Mr. Connor, an act to authorise John N. S. Jones, and Alexander P. Jones, to emancipate certain slaves therein named was laid on the table.

Mr. Watkins gave notice, that on to-morrow he would ask for leave to bring in a bill to authorise the administrator of Thomas Ragland, deceased, to sell land certificates.

Mr. Hogg gave notice, that on to-morrow he would ask for leave to bring in a bill to make lawful certain measures therein named.

Mr. Davis asked and obtained leave to introduce a bill, to be entitled an act, requiring payment to be made for slaves executed; which was read the first time. On motion, ordered that said bill be read a second time on to-morrow.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.

Saturday, November 25, 1820.

The Senate met pursuant to adjournment.

Mr. Hogg asked for and obtained leave to introduce a bill to be entitled an act, to amend an act, passed December 23, 1815, fixing a standard for measures; which was read the first time, and on motion ordered to be read a second time on Monday next.

Mr. Watkins asked for, and obtained leave to bring in a bill to be entitled an act, to authorise the administrator of Thomas Ragland, deceased, to sell and transfer certain certificates therein named, which was read the first time. Ordered to be read a second time on Monday next.

Mr. Chambers gave notice, that he would on Monday next, ask for leave to bring in a bill to regulate tavern licences.

Mr. Hogg gave notice, that on Monday next he would ask for leave to bring in a bill pointing out the duty of owners, and keepers of mills who grind grain for toll.

A resolution requiring the Secretary of State, the Comptroller of Public Accounts, and the State Treasurer, to reside at the seat of government, was read the third time and passed. Ordered that the Secretary acquaint the house of representatives thereof.

A bill to be entitled an act, requiring payment to be made for slaves executed, was read the second time.

On motion, ordered that said bill be committed to a committee of the whole, and made the order of the day on Monday next.

According to the order of the day, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to amend the laws now in force in this State, respecting public roads, Mr. Farmer in the chair, and after some time spent therein the committee rose,

Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole, had according to order had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

A message from the house of representatives by Messrs. Weedon and Smoot.

Mr. President---The House of Representatives have concurred in the amendment proposed by the Senate, to the act providing for the appointment of electors of President and Vice President of the United States, and will receive the Senate for the purpose of making such appointments at the hour of eleven.

The house of representatives have instructed me to inform you that they have passed a bill entitled an act authorising the executrix of William Baldwin to sell and convey certain real estate, in which they desire your concurrence: Whereupon the members of the Senate preceded by their Secretary repaired to the Representative Hall, and having taken the seats assigned them, both houses jointly proceeded *viva voce* to the appointment of electors of President and Vice-President of the United States, Gen. John Scott, George Phillips, Henry Minor and James S. Walker were nominated:

Those who voted for Gen. John Scott, are Messrs. President, Casey, Chambers, Connor, Garth, Gaines, Hanby, Harwell, Herbert, Hodges, Hogg, Metcalf, Ringgold, Rose, Seabury, Sims, Trotter, Ware—Mr. Speaker, Abercrombie, Armstrong of Conecuh, Bigham, Benson, Bailey, Isaac Brown, John Brown, Col. J. Brown, Chambers, Creagh, Cook, Coats, Coleman, Draughon, Dale, Davis, Duke, Evans, Fitzpatrick of Aut. Hill, Holderness, Isbell, Jackson, Murphy, Morton, M' means, M'Vay, Mims, Perry, Perkins, Rather, Shackelford, Smoot, Tagert, Vining, Walker, and Weedon—56.

Those who voted for Mr. Minor, are messrs. President, Casey, Davis, Farmer, Garth, Gaines, Hanby, Harwell, Herbert, Hodges, Hogg, Metcalf, Seabury, Sims, Terrel, Trotter, Watkins, Ware, Mr. Speaker, Abercrombie, Armstrong of Mobile, Armstrong of Con. Bigham, Benson, Bailey, Isaac Brown, J. Brown, Col. J. Brown, Chambers, Chapman, Clay, Cook, Coats, Coleman, Draughon, Doxy, Davis, Duke, Edmundson, Evans, Hill, Holderness, Isbell, Jackson, Leake, M'Kinley, Moore of Madison, Morton, Murrel, M' Means, Moore of Marion, M'Vay, Perry, Perkins, Rather, Shackelford, Sargeant, Smoot, Tagert, Vining, Walker and Weedon—63.

Those who voted for Mr. Phillips are Messrs. President, Casey, Connor, Chambers, Davis, Farmer, Garth, Hanby, Herbert, Hodges, Hogg, Metcalf, Ringgold, Rose, Sims, Terrel, Trotter, Watkins, Ware, Mr. Speaker, Armstrong of Mobile, Armstrong of Conecuh, Benson, Isaac Brown, John Brown, Col. John Brown, Chambers, Chapman, Clay, Creagh, Cook, Coats, Coleman, Draughon, Dale, Doxy, Davis, Duke, Edmundson, Evans, Fitzpatrick of Autauga, Hill, Holderness, Isbell, Jackson, Leake, M'Kinley, Moore of Madison, Murphey, Murrell, M' Means, Moore of Marion, M'Vay, Mims, Perry, Perkins, Rather, Shackelford, Sargeant, Smoot, Tagert, Vining, Walker, and Weedon—63.

Those who voted for Mr. Walker are Messrs. Chambers, Connor, Davis, Farmer, Gaines, Harwell, Ringgold, Rose, Seabury, Terrel, Watkins

Abercrombie, Armstrong of Mobile, Bigham, Bailey, Chapman, Clay, Creagh, Dale, Doxey, Edmundson, Fitzpatrick of Autauga, Leake, M'Kinley, Moore of Madison, Murphy, Morton, Murrell, Moore of Marion, Mims, and Sargeant---31.

Mr. Speaker announced that Gen. John Scott, Henry Minor, and George Phillips, were duly elected electors to vote for President and Vice-President of the United States.

Having gone through the election, the Senate withdrew to their own chamber.

The Bill from the House of Representatives entitled an act authorising the executrix of William Baldwin to sell and convey certain real estate, was read the first time. On motion, *Ordered*, That said bill be read the second time on Monday next.

According to the order of the day the Senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend an act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for a seminary of learning, and for other purposes, Mr. Chambers in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was granted.

A message from the House of Representatives by Mr. Moore, of Madison.

Mr. President and Gentlemen of the Senate,

I am instructed by the house of representatives, to lay before your honourable body the report of the engineer of the state, on the subject of the Tennessee and Cahawba rivers, received from His Excellency the Governor, on the 21st instant.

Which report was referred to the committee on navigation.

On motion of Mr. Farmer, the bill concerning divorce and alimony was laid on the table.

On motion of Mr. Casey, a bill to be entitled an act, permitting merchants, shopkeepers, tradesmen, physicians, and apothecaries, to prove their books of account was laid on the table.

According to order the senate resolved itself into a committee of the whole on a bill to define the boundaries of Marion county and for other purposes, Mr. Watkins in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again; which was granted.

On motion of Mr. Farmer, a resolution that a committee be appointed to inquire into the expediency of passing a law providing for the digest of the laws of this state, was taken up and adopted.

Mr. Sims moved, that the question on the adoption thereof be reconsidered, which was carried.

And on motion of Mr. Casey, the following amendment was added in these words, "and that the committee be instructed to call on the Judges and Attorney General to know what progress they have made, if any, in digesting the laws, as required by the law of the last General Assembly;" which amendment was adopted, and on the question, shall said resolution as amended pass, it was decided in the affirmative.

Whereupon, Messrs. Hanby, Farmer, and Casey, were appointed a committee.

A message from the house of representatives by Messrs. Chapman and Vining.

Mr. President---The house of representatives have amended a bill originating in the senate, entitled an act, to incorporate the steam boat company of Alabama, in the fourth section, between the words "Blakeley" and by inserting, "or such other town or place in the state, as may be determined on by a majority of the stockholders of said company"---and after the word "corporation" in the last line of the same section, by adding "provided also, that at all elections to be holden by the stockholders under this act, they may vote by proxy," and the house of representatives have passed the following bills, to wit :

An act, to change the name of the county of Cahawba to that of Bibb, and

An act to amend an act, to regulate elections, establish certain precincts in the counties therein named, and for other purposes, passed on the 16th of December 1819, in which they desire your concurrence.

Mr. Casey from the committee on enrolled bills reported that the committee had examined the bill, entitled an act, providing for the appointment of electors of President and Vice President of the United States, and found the same truly enrolled.

The Senate adjourned until Monday morning, ten o'clock.

Monday, November 27, 1820.

The Senate met pursuant to adjournment.

Mr. Garth from the committee on the judiciary, reported a bill to be entitled an act, concerning executions, and for other purposes; which was read the first time.

On motion ordered, that said bill be read a second time on to-morrow.

Mr. Seabury from the committee on the boundaries of counties, reported a bill, to be entitled an act, to alter and extend the boundaries of the county of Baldwin and for other purposes; which was read the first time.

Mr. Trotter moved that said bill be laid on the table, and the question being put thereon, it passed in the negative.

Said bill was then on motion ordered to be read a second time on to-morrow.

Mr. Chambers moved the following resolution:

Resolved by the Senate and house of representatives of the State of Al-

abama, in General Assembly convened, That after the twenty-ninth day of the present month, no new business shall be introduced in either branch of the General Assembly during the present session, and the question being put thereon, it passed in the negative.

Mr. Hogg agreeably to notice asked and obtained leave to bring in a bill, to be entitled an act, to point out the duties of owners and keepers of mills who grind grain for toll, which was read the first time and ordered to be read a second time on to-morrow.

Mr. Chambers moved the following resolution :

Resolved. That the judiciary committee be instructed to inquire into the expediency of providing for the payment of jurors of the circuit courts, by a tax on the suits, and the question being put thereon, it passed in the negative.

A bill to be entitled an act, to incorporate the steam boat company of Alabama ; the amendments proposed by the house of representatives, are thus, in the 4th section, between the words " Blakeley and," and by inserting " or such other town, or place in the State as may be determined on by a majority of the stock holders of said company--- and after the word " corporation" in the last lines of the same section, by adding " Provided also, that at all elections to be holden by the stockholders under this act, they may vote by proxy.

A bill to be entitled an act, to amend an act, passed December 23, 1815, fixing a standard for measures, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to change the name of the county of Cahawba to that of Bibb, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act, concerning elections and for other purposes, was read the first time and ordered to be read a second time on to-morrow.

A bill to be entitled an act, to authorise the administratrix of Thomas Ragland, deceased, to sell and transfer certain certificates of land therein named, was read a second time, and ordered to be committed to a committee of the whole and made the order of the day on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill to define the boundaries of Marion county, and for other purposes, Mr. Chambers in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had according to order, had said bill under consideration, and had made sundry amendments ; which were severally read and concurred in. Mr. Casey moved to add a new section in these words " *Be it further enacted,* That all that tract of country, commencing on the Spanish line, thirty miles west of the Chatahoche, thence due north to where it strikes the Indian boundary line, shall constitute one county, to be called and known by the name of ;" and the question being put on agreeing to said section, the yeas and nays were called for, it passed in the

negative, yeas 3, nays 16--those who voted in the affirmative, are Messrs. Casey, Chambers, Conner, Harwell, and Ware. Those who voted in the negative, are Messrs. President, Davis, Farmer, Garth, Gaines, Hanby, Herbert, Hogg, Metcalf, Ringold, Rose, Seabury, Sims, Terrel, Trotter, and Watkins.

The question was then taken on engrossing said bill for a third reading on to-morrow, and it passed in the negative---Mr. Chambers moved a reconsideration of the question taken on engrossing said bill for a third reading, and it passed in the affirmative. On motion said bill was ordered to lie on the table.

According to order the Senate resolved itself into a committee of the whole on a bill to be entitled an act, requiring payment to be made for slaves condemned, &c. Mr. Watkins in the chair, and after some time spent therein the committee rose. Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had according to order had said bill under consideration, and had directed him to report the same as amended which was read and amendments concurred in.

A bill to be entitled an act, authorising the executrix of William Baldwin, to sell and convey certain real estate, was read a second time and ordered to be read a third time on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to amend the laws now in force in this State, respecting public roads. Mr. Terrel in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Terrel reported, that the committee of the whole had according to order had said bill under consideration and had made sundry amendments, which were severally read and concurred in.

Mr. Casey moved to strike out at the end of the first section, these words: "although the distance may not exceed five miles;" and the question being put thereon, it was decided in the affirmative.

On motion of Mr. Casey, ordered that said bill be engrossed and read a third time on to-morrow.

Mr. Rose from the committee on county boundaries reported a bill to alter and extend the limits of Autauga county, which was read the first time and ordered to a second reading on to-morrow. Mr. Davis asked leave of absence for the gentleman from Autauga county, until Thursday next, which was granted.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to amend an act, entitled an act, to provide for leasing for a limited time, the lands reserved by the Congress of the United States, for the support of schools within each township of this State, for a seminary of learning, and for other purposes, Mr. Farmer in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same as amended, which was read and concurred in. Mr. Watkins moved to amend said bill by adding these words, "provided that the provisions in this or any other act,

shall be so construed as to allow a leasing of any sixteenth section in any township, wherein no sale has been made of the lands thereof by the United States." The question being put thereon, the yeas and nays were called for; it passed in the negative. Those who voted in the affirmative, are Messrs. Chambers, Connor, Garth, Hanby, Ringgold, Sims, Watkins and Ware, 8. Those who voted in the negative, are Messrs. President, Casey, Davis, Farmer, Gaines, Harwell, Herbert, Hogg, Metcalf, Seabury, Terrel and Trotter, 12.

On motion of Mr. Davis, ordered that said bill be engrossed and read a third time on to-morrow.

The Senate adjourned until to-morrow morning 10 o'clock.

Tuesday, November 28, 1820.

The Senate met pursuant to adjournment.

Mr. Terrel, agreeably to notice, asked and obtained leave to bring in a bill to establish and regulate justices courts, which was read the first time, and ordered to lie on the table, and twenty-five copies of said bill to be printed.

Mr. Watkins, from the select committee, reported a bill to be entitled an act, to establish a medical board for the State of Alabama, and for other purposes therein mentioned, which was read the first time. On motion ordered to lie on the table, and that fifty copies of said bill be printed.

Mr. Casey, from the committee of enrolled bills, reported that said committee had examined the bill, entitled an act, to incorporate the Steam Boat Company of Alabama, and found the same duly enrolled.

Mr. Garth, from the judiciary committee, reported a bill to be entitled an act, giving jurisdiction to the courts of certain counties, which was read the first time, and ordered to be read a second time on to-morrow.

A bill entitled an act to incorporate the Cahawba Navigation Company; and a bill entitled an act authorising the executrix of William Baldwin to sell and convey certain real estate, were severally read the third time, and passed.

The Engrossed Bill to be entitled an act to amend an act passed December 3, 1801, revised and amended February 10, 1807, was read the third time and passed. *Ordered*, that the title of said bill be an act to amend an act passed Dec. 3, 1801, revised and amended Feb. 10, 1807. The engrossed bill to be entitled an act authorising a lottery for the benefit of the Alabama Lodge No. 51, of ancient free masons, was read the third time and passed. On motion of Mr. Watkins, *Ordered*, That the title of said bill be altered and amended from a bill to an act authorising a lottery for the benefit of the Alabama Lodge No. 51 of Ancient Free-Masons, and Halo Lodge of Cahawba.

The Engrossed Bill to provide additional election precincts in Dallas County, was read the third time and passed. *Ordered*, That the title of said bill be an act to provide additional election precincts in Dallas County.

The Engrossed Bill to be entitled an act to amend the laws now in force in this state respecting public roads, was read the third time

and passed. *Ordered*, That the title of said bill be altered to that of an act to amend the laws now in force in this state respecting public roads.

➤ The Engrossed Bill to be entitled an act to amend an act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for the support of schools within each township of this state for a seminary of learning, and for other purposes, was read the third time.

Mr. Sims moved that the following section be added to said bill as an amendment by way of rider.

"Section 3. *And be it further enacted*, That the agents shall have the power to let the settlers or improvers remain on the sixteenth sections a sufficient time to remunerate them for any improvements they may have made; not exceeding five years."

And on the question being put thereon, it passed in the affirmative. Said bill was then read as amended, and passed. *Ordered*, That the title of said bill be an act to amend an act entitled an act to provide for leasing for a limited time, the lands reserved by the Congress of the United States for the support of schools within each township of this state for a seminary of learning, and for other purposes.

Ordered, That the Secretary acquaint the House of Representatives of the passage of the foregoing bills.

A bill to be entitled an act concerning executions, and for other purposes, was read the second time; and, on motion, committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to alter and extend the limits of Autauga County, was read the second time.

Mr. Casey moved, that the said bill be amended by adding the following section:

"Section 2. *And be it further enacted*, That the commissioners appointed to superintend the building of a court house and jail, in the county of Autauga, be, and they are hereby authorised to draw on the county treasurer for the county of Autauga, such sum or sums as the county court of said county may think proper to allow them for superintending the building of said court house and jail, in said county." And the question being put thereon it passed in the affirmative. Said bill as amended was read, and on motion ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act, to alter and extend the boundaries of the county of Baldwin, and for other purposes, was on motion read the second time by its caption, and committed to a committee of the whole, and made the order of the day on to-morrow.

A message from His Excellency the Governor, by Thomas A. Rogers, Esquire, Secretary of State.

Mr. President: I am instructed to inform you that His Excellency the Governor, did this day approve and sign a bill passed by both branches of the Legislature, entitled an act, to incorporate the Steam Boat Company of Alabama, which originated in your honourable body.

A bill to be entitled an act, to point out the duties of owners and keepers of mills, who grind grain for toll, was read the second time.

On motion, ordered that said bill be committed to a committee of the whole, and made the order of the day, on to-morrow.

A bill entitled an act, to change the name of the county of Cabawba, to that of Bibb, was read the second time.

And on motion, ordered to be read a third time on to-morrow.

A bill entitled an act, to amend an act, to regulate elections, establish certain precincts in the counties therein named, and for other purposes, passed on the 16th of December, 1819, was read the second time, and on motion, ordered to be read a third time on to-morrow.

According to the order of the day, the Senate resolved itself into a committee of the whole, on the bill to amend an act, passed December 23, 1815, fixing a standard for measures, Mr. Chambers in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had, according to order, had said bill under consideration, and had made sundry amendments thereto, which were concurred in. Said bill as amended was read, and on motion ordered that said bill be engrossed and made the order of the day for a third reading on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to authorise the administrator of Thomas Ragland, deceased, to sell and transfer certain certificates of land therein named, Mr. Garth in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Garth reported the bill without amendment; which report was concurred in.

On motion, ordered that said bill be engrossed for a third reading on to-morrow.

Mr. Hogg gave notice that on to-morrow he would ask for leave to introduce a bill, having for its object the repeal of the law, passed at St. Stephens, 7th February, 1818, which authorised suit to be brought against one or two, or more joint obligors or co-partners in trade, without including other obligors or co-partners in trade.

The Senate adjourned until to-morrow morning ten o'clock.

Wednesday, November 29, 1820.

Mr. Casey, from the Select Committee, to whom was committed a bill to be entitled an act to afford a summary relief to purchasers of lands of the United States, reported the same amended, which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Gause, Senator from Montgomery County, returned, and took his seat.

Mr. Hodges, from the Select Committee, to whom was referred the Memorial of Eugenio Campbell made a report by bill, which was read the first time, and, on motion of Mr. Hodges, ordered to be read the second time on to-morrow.

Mr. Hogg, agreeably to notice, asked and obtained leave to bring in a bill to repeal the laws now in force in this state, which authorises separate suits upon joint or joint and several contracts of co-partners in trade; which was read the first time, and ordered to be read the second time on to-morrow.

Mr. Farmer, from the Select Committee, to whom was referred the resolution on the subject of inquiring into the expediency of memorializing Congress for the donation of the islands in certain rivers in the State of Alabama, asked leave and reported the following memorial: to wit.

To the Honourable the Senate and House of Representatives of the United States, in Congress convened, The Memorial of the Legislature of the State of Alabama respectfully represents, That there are a number of islands unoccupied and not disposed of in the rivers Tennessee, Coosa, Tombeckbee, Alabama, and Mobile, in the State of Alabama; and which might, if in the power of the said state, be applied to the most beneficial purposes. They, therefore, represent to your Honourable body, that the Alabama State includes a country of fertile soil, interspersed with water courses, which, with the application of proper means, might be rendered navigable. In accomplishing which object not only this state will be much benefitted, but also her adjoining sister states, and add to the interest of the general government, of which Alabama promises to be a flourishing and useful branch. Our state, in her infantile situation, have not yet the means to carry into effect the above mentioned and most desirable object as speedily as the good of the state and the interest of the Union require.

From considerations above enumerated we the representatives of the people of the State of Alabama having in view not only the good of our state, but also that of the United States, respectfully request, that your honourable body, if to you it may seem just and right, to enact some law appropriating the islands in the rivers above mentioned to the purpose of facilitating the navigation of the water courses of the state; which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Hanby, from the Select Committee appointed to inquire into the expediency of providing for the digest of the laws of the state, and to inquire of the Judges of the State what progress they have made in relation to that subject, beg leave to report that they have performed that service, and received for answer the following:

Cahawba, 28th Nov. 1820. To the Honorable the Committee appointed pursuant to a resolution of the Senate, That a Committee be appointed to enquire into the expediency of passing a law providing for the Digest of the laws of the State, and instructing said committee to call on the Judges, and Attorney General, to know what progress they had made, if any, in digesting the laws of the State, as required by the law of the last General Assembly.

Gentlemen, the undersigned regret, that owing to the many arduous duties required of them, of a nature more pressing and indispensable than

those alluded to in the resolution of the Senate, they have not been able to make any progress in the performance of the duty assigned them by the law of the last General Assembly. They presume that it will only be necessary to direct your attention to the many duties, of a nature strictly judicial, incumbent on them by the existing laws, to show satisfactorily the impossibility of complying with the provisions of the law aforesaid.

It is the duty of each Judge in the State to hold the courts of a circuit, composing six counties twice in the year, which occupies, at each time from six to eight weeks. It is, also, the duty of the Attorney General to attend the courts of one of the Judicial circuits, and prosecute in behalf of the State. By adverting to the periods of commencement in the several circuits, it will be found, that there is no time at which the Judges and Attorney General could meet together between the commencement of the circuits in January and the meeting of the Supreme Court in May, which occupies from two to three weeks, and closes near the first of June. Immediately succeeding the arduous duties of holding the Circuit Courts, and the still more arduous duties of the Supreme Court, there is a period of about six weeks before it becomes necessary to commence holding the courts of the two circuits, one of which must be attended by the Attorney General; and there is again, no opportunity of a meeting of the Judges and Attorney General until the close of the Supreme Court in the fall, which it is apparent cannot take place much before the first of December, then ensues about six weeks, during which time, it would be impossible for them to remain together, but by a total neglect of private affairs, and absence from their families.

To say nothing of the impolicy and danger to society of occupying in any other way, any portion of the time and attention of those on whom devolves the performance of so many and such highly responsible duties, the impracticability of accomplishing, in such short respites from their more immediate duties, a work of so much difficulty and labour, in a manner calculated to be useful and beneficial to the State, cannot fail to be discovered. Our experience already proves the inutility of a digest hastily and imperfectly thrown together: and it is not to be presumed that any other than a well executed work would be acceptable to the Legislature or to the people.

With a due regard to their own characters and to the welfare and interest of the public, the undersigned feel their inadequacy to a proper compliance with the provisions of the law of the last General Assembly, whilst they perform their own duties. With great respect we have the honor to be your obedient servants. (Signed.) C. C. Clay, Reuben Saffold, Abner Lipscomb, Richard Ellis, Henry Hitchcock.

The engrossed bill to be entitled an act to alter and extend the limits of Autauga county, was read a third time and passed, ordered that the title of said bill, be an act to alter and extend the limits of Autauga county, and for other purposes.

An act to change the name of the county of Cahawba to that of Bibb. An act to amend an act to regulate elections, establish certain precincts in the counties therein named and for other purposes, passed on the 16th December, 1819, were severally read a third time and passed. A bill to be entitled an act to amend an act passed December 23d, 1815, fixing a standard for measures, was read a third time and passed. Ordered that the title of said bill be an act to

amend an act passed December 23d, 1815, fixing a standard for measures.

The engrossed bill to be entitled an act to authorize the administrators of Thomas Ragland, dec'd. to sell and transfer certain certificates of Land therein named, was read a third time and passed. Ordered that the title of said bill, be an act to authorize the administrator of Thomas Ragland, dec'd. to sell and transfer certain certificates of Land therein named.

On motion of Mr. Hanby, the following resolution was adopted. Resolved that the Governor be requested to inform the General Assembly, what sum of money accruing to this State from the fund of five per cent. reserved to this State by the act of Congress of the United States, for internal improvements, may now be subject to the order of this State, and what unappropriated balance of the sum appropriated for employing an engineer may yet remain unexpended.

A bill to be entitled an act giving jurisdiction to the courts of certain counties, was read a second time. On motion of Mr. Connor, ordered that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

A Message from the House of Representatives, by Messrs. Perry & Moore of Madison. *Mr. President*---The House of Representatives have passed the following bills: a bill to alter an act, entitled an act to establish certain counties therein mentioned, and for other purposes therein named, which was read the first time and ordered to be read a second time on to-morrow.

A bill entitled an act, authorizing and requiring the keepers of the several Goals in this State, to receive and keep persons committed under the authority of the United States, and amended it in the first section, in the eighth line by striking the words, "the due course of the Laws thereof," and inserting due course of law; which amendment was read and concurred in by the Senate. Ordered that the Secretary acquaint the House of Representatives thereof.

The House of Representatives have passed a bill for the government of the town of Blakeley, which originated in the Senate, with the following amendments: to wit. they have stricken out in the first section, beginning in the third line, the words, the land holders, free holders, and house holders, residents of the town of Blakeley, and have inserted in lieu thereof, "the free white male inhabitants of the age of twenty-one, who have resided in the town of Blakeley, twelve months, or have become residents at the time of such election, or paid taxes therein the year preceding that in which the election shall be held." In the fourth section and seventh line, they have inserted between the words, and, and "if" the constitution and laws. In the seventh section the word "polls" stricken out, and each poll inserted in the same section, from the beginning of the sixth line from the top to the 22d line to the word paid inclusive, and have inserted in lieu thereof the following: And the said corporation shall have power to sell to the highest bidder at public auction, any real estate in said town for the arrears of Taxes due thereon, in the following manner: the per-

son who will pay the Tax due on the lot for the fewest number of feet front, running back at right angles from the street to the back line of the lot shall be the purchaser, and the President of the board of Commissioners shall issue to the purchaser a certificate of such sale acknowledging the receipt of the amount of Tax paid and the cost of selling, and expressing also that said lot, or part of the lot so sold, may be redeemed by the proprietor at the time of such sale at any time within two years from the date thereof, upon the payment of said Tax and costs and ten per centum per annum thereon. And if the said proprietor shall fail to redeem as aforesaid, then said President shall convey to said purchaser or purchasers the lot or land sold as aforesaid. The House of Representatives have further amended said Bill, by striking out the ninth section, to which they ask your concurrence. On motion of Mr. Casey, said bill with the amendments was ordered to lie on the table.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act concerning executions, and for other purposes, Mr. Terrel in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Terrel reported that the committee of the whole had according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in, and ordered to be engrossed and read a third time on to-morrow.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act to alter and extend the boundaries of the county of Baldwin, and for other purposes, Mr. Garth in the chair, and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Garth reported that the committee according to order had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

According to order the Senate resolved itself into a committee of the whole on a bill to be entitled an act to point out the duties of owners and keepers of mills, who grind grain for toll, Mr. Watkins in the chair; and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with an amendment, which was read and concurred in.

On motion of Mr. Hogg said bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Ringgold gave notice, that on to-morrow he should ask for leave to bring in a bill to amend the laws respecting strays; Also a bill to provide for taking the Census of the several counties in this state.

On motion of Mr. Farmer, *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in future it shall be the duty of the Secretary of State at or soon after the close of each General Assembly, to deposit in his office all

the records and papers necessarily belonging to the Legislature, which shall be determined by an examination made by the Secretary of State, Secretary of the Senate, and Clerk of the House of Representatives, who are hereby appointed commissioners for that purpose, which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Casey from the committee on enrolled bills, reported that the committee had examined the following bills and found the same duly enrolled, to wit :

An act, authorising the executrix of William Baldwin to sell and convey certain real estate.

An act, for the relief of John Boyce, and

An act, appointing commissioners to lay out a road, on or near the dividing line, between the counties of Madison and Limestone, which were accordingly signed by the President.

The Senate adjourned until to-morrow morning ten o'clock.

Thursday, November 30, 1820.

The Senate met pursuant to adjournment.

Mr. Farmer presented the memorial of the Sheriff of Lauderdale county, praying that he may be allowed pay for keeping of John C. Wilbourn, charged with having stolen a negro, and committed to his care as Sheriff of said county. On motion of Mr. Farmer, ordered that said memorial be referred to the committee on propositions and grievances.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the bill entitled an act, authorising and requiring the keepers of the several jails in this State, to receive and keep persons committed under the authority of the United States, and found the same duly enrolled.

Mr. Herbert, from the committee to whom was referred the resolution proposing amendments to the Constitution of the State of Alabama, reported a resolution recommending amendments thereto, which were read the first time. On motion of Mr. Gause ordered to be read a second time on to-morrow.

Mr. Hanby, from the Select Committee to inquire into the expediency of amending the laws now in force relative to assessing taxes, reported a bill to provide for assessing and collecting the taxes in this state, which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Gause, from the committee of Enrolled Bills, reported that he had presented to the Governor, for his approval and signature, a bill entitled an act authorising and requiring the keepers of the several gaols in this state to receive and keep persons committed under the authority of the United States.

Mr. Farmer, from the committee to whom was referred the resolution on the subject of digesting the laws of the State of Alabama, reported a bill to provide for digesting the laws; which was read the first time, and ordered to be read a second time on to-morrow.

According to the order of the day a bill to be entitled an act to point

out the duties of owners and keepers of mills, who grind grain for toll, was read the third time, and passed. *Ordered*, That the title of said bill be an act to point out the duties of owners and keepers of water mills, who grind grain for toll.

A bill to be entitled an act concerning executions, and for other purposes, was read a third time; and Mr. Casey moved to amend said bill by a rider in these words, "Provided nothing in this act shall be so construed as to compel any person or persons who resides out of the Judicial Circuit (where any other Bank bills are declared to be current than those that redeem their notes with specie) to receive the same in payment;" and the question being put thereon, the yeas and nays were called for---it was decided in the negative, Yeas 9, Nays 13.

Those who voted in the affirmative are, Messrs. Casey, Chambers, Harwell, Herbert, Metcalf, Ringgold, Seabury, Trotter, and Watkins.

Those who voted in the negative are, Messrs. President, Connor, Davis, Farmer, Garth, Gause, Hanby, Hodges, Hogg, Sims, Terrel, and Ware.

The question was then taken on the passage of said bill on its third reading, and the yeas and nays being called for, it passed in the affirmative, Yeas 14, Nays 8.

Those who voted in the affirmative are, Messrs. President, Connor, Davis, Farmer, Garth, Gause, Gaines, Hanby, Hodges, Hogg, Sims, Terrel, Watkins, and Ware.

Those who voted in the negative are, Messrs. Casey, Chambers, Harwell, Herbert, Metcalf, Ringgold, Seabury, and Trotter.

On motion, *Ordered*, That the title of said bill be an act entitled an act concerning executions, and for other purposes.

A bill to be entitled an act establishing a Medical Board in the State of Alabama and for other purposes therein mentioned, was read a second time and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

On motion of Mr. Seabury, the Senate according to order resolved itself into a committee of the whole, on a bill to be entitled an act to alter and extend the boundaries of the county of Baldwin and for other purposes, Mr. Watkins in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had, according to order, had said bill under consideration and had directed him to report said bill with sundry amendments, which were severally read and concurred in. On motion of Mr. Chambers, ordered that said bill be engrossed and read a third time on to-morrow.

Mr. Farmer from the committee on Navigation reported a bill to provide for facilitating the Navigation of the water courses of the State of Alabama, which was read the first time, and ordered to lie on the table.

A bill to be entitled an act to afford summary relief to persons purchasing lands of the United States was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill for the relief of Eugenio Campbell, was read a second time,

and on motion of Mr. Hodges, ordered to be committed to a committee of the whole and made the order of the day on to-morrow.

An act to provide for the Government of the town of Blakely with the amendments proposed by the House of Representatives. Mr. Seabury moved to amend said amendment in the seventh section, by striking out the word two, and insert one, and the question being put thereon it was decided in the negative, the amendments as proposed by the House of Representatives were concurred in. Ordered that the Secretary of the Senate acquaint the House of Representatives thereof.

A bill to repeal the laws now in force in this State, which authorizes separate suits upon joint or joint and several contracts of copartners in trade, was, on motion of Mr. Hogg, ordered to lie on the Table.

A message from the Governor, by Thomas A. Rodgers, Secretary of State. *Mr. President*, I am instructed by the acting Governor to inform you, that he did on this day, approve and sign an act authorizing and requiring the keepers of the several Gaols in this state to receive and keep persons committed under the authority of the United States, which originated in this honorable body. Joint resolution as to records of State, was read a second time, on motion of Mr. Farmer, ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to alter an act, entitled an act to establish certain counties therein named, and for other purposes therein mentioned, was read a second time, and ordered to be read a third time on to-morrow.

Memorial to Congress on the subject of River Islands, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, giving jurisdiction to the courts of certain counties; the Senate according to order resolved itself into a committee of the whole on said bill. Mr. Farmer in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in; ordered that said bill be engrossed and read a third time on to-morrow.

Mr. Seabury asked and obtained leave to bring in a bill to be entitled an act, for the government of the port and harbour of Blakeley, which was read the first time and ordered to be read a second time on to-morrow.

On motion of Mr. Davis, the committee of the whole was discharged from the further consideration of a bill to be entitled an act, to authorise Lemuel Mead to emancipate a certain negro man slave, named Richmond, and that said bill be read a third time forthwith, and the question being put on the passage of said bill on the third reading, the yeas and nays being called for, it passed in the affirmative; yeas 14, nays 5. Those who voted in the affirmative are Messrs. President, Casey, Connor, Davis, Garth, Gaines, Hanby, Harwell, Herbert, Hod-

ges. Seabury, Sims, Terrel and Trotter. Those who voted in the negative are Messrs. Farmer, Hogg, Metcalf, Ringgold and Ware. Ordered that the Secretary of the Senate acquaint the House of Representatives thereof. The Senate adjourned until to-morrow morning 10 o'clock.

Friday, December 1, 1820.

Senate met pursuant to adjournment.

A bill to be entitled an act to alter and extend the boundaries of the county of Baldwin. was read a third time and passed. Ordered that the title of said bill be an act to alter and extend the boundaries of the county of Baldwin.

An act entitled an act to establish certain counties therein named, and for other purposes therein mentioned, was read a third time and passed.

A bill to be entitled an act giving jurisdiction to the court of certain counties was read a third time and passed. Ordered that the title of said bill be an act giving jurisdiction to the courts of certain counties.

Resolution proposing amendments to the constitution of this State was read a second time, and ordered to be committed to a committee of the whole and made the order of the day on to-morrow.

A bill to provide for assessing and collecting the taxes in this state, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to provide for digesting the laws of the State of Alabama, was read a second time.

On motion of Mr. Farmer, *Ordered*, That said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act for the government of the port and harbour of Blakeley, was, on motion of Mr. Seabury, read a second time by the caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act to establish a Medical Board in the State of Alabama, and for other purposes therein mentioned: the Senate, according to order, resolved itself into a committee of the whole on said bill, Mr. Casey in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

A Message from the House of Representatives, by Messrs. Armstrong and M'Kinley.

Mr. President---The House of Representatives have passed the following bills:

A bill to be entitled an act to amend an act passed at St. Stephens, 13th of February, 1818, to establish the Tombeckbe Bank; A bill to be entitled an act declaring that part of Limestone leading from

Mooresville to the Tennessee river, a public highway ; A bill to be entitled an act to authorise the Governor to dispose of the public arms of this state ; A bill to be entitled an act for the relief of certain lessees of school lands, in Madison County ; A bill to be entitled an act to authorise Jeremiah Austell to dispose of the lands of the late David Files ; A bill to be entitled an act to authorise Sam. B. Shields to sell certain lands therein mentioned ; A bill entitled an act providing for the payment of Wm. Pye ; A bill to be entitled an act to repeal an act of the last General Assembly of the State of Alabama, entitled an act for the encouragement of killing and destroying wolves and panthers ; A bill to fix the seat of justice in the County of Lauderdale : which bills were all severally read the first time, and ordered to be read a second time on to-morrow.

Mr. Ringgold, from the committee on that part of the Governor's Message relating to the Census, reported a bill to provide for the taking the Census in pursuance to the requisitions of the Constitution of the State of Alabama, which was read the first time, and ordered to be read a second time on to-morrow.

According to order the Senate resolved itself into a committee of the whole on a bill to be entitled an act to afford summary relief to persons purchasing lands of the United States, Mr. Farmer in the chair ; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Farmer reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with amendments ; which report, on motion of Mr. Casey, was ordered to lie on the table.

Message from the House of Representatives by Messrs. M'Kinley and Armstrong, of Mobile.

Mr. President, the following resolution has been adopted by the House of Representatives.

Resolved, that three members of this house be appointed to act with a committee to be appointed on the part of the Senate to settle the accounts of the State Engineer, and report all matters of fact material in relation thereto, and have appointed Messrs. M'Kinley, Smoot, and Cook the committee.

Mr. Gause from the committee on enrolled bills reported that the committee had examined the following bills and found them duly enrolled.

An act to authorize Lemuel Mead, to emancipate a negro man slave, named Richmond.

An act to change the name of the county of Cahawba to that of Bibb.

An act to regulate elections, establish certain precincts in the counties therein named, and for other purposes, passed on the 16th of December, 1819, and an act to incorporate the town of Selma, in the county of Dallas, which were signed by the President.

Mr. Seabury from the committee on that part of the Governor's Message relating to the census, reported a bill to be entitled an act to apportion the Representatives among the several counties within this

State, and to divide the State into senatorial districts, which was read the first time, and ordered to be read a second time on to-morrow.

A bill for the relief of Eugenio Campbell, was, on motion of Mr. Terrel, ordered to lie on the table. Mr. Metcalf asked and obtained leave to bring in a bill to incorporate the town of Ococoposo, in the county of Franklin, which was read the first time, and ordered to a second reading on to-morrow.

According to order, the Senate resolved itself into a committee of the whole on a joint resolution as to State Records. Mr. Terrel in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Terrel reported, that the committee of the whole had, according to order, had said resolution under consideration, and had directed him to report the same without amendment, which was concurred in. Ordered that said resolution be engrossed and read a third time on to-morrow.

Mr. Rose, Senator from Autauga county, returned and took his seat.

On motion of Mr. Farmer, the committee of the whole was discharged from the further consideration of the memorial to the Congress of the United States, as to river islands. Ordered that said memorial be referred to a select committee, whereupon Messrs. Farmer, Ringgold, and Metcalf were appointed.

The Senate adjourned until to-morrow morning 10 o'clock.

Saturday, December 2, 1820.

The Senate met pursuant to adjournment.

Mr. Rose, from the committee on county boundaries, reported that it is inexpedient at the present session of the Legislature, to create any new county, except that which is contemplated in the bill for the division of Marion county, now progressing in the Senate, which division your committee recommend to be made; which report was concurred in.

On motion of Mr. Farmer, the resolution from the House of Representatives, appointing three members to act with a committee to be appointed on the part of the Senate, to settle the accounts of the State Engineer was concurred in. Ordered that Messrs. Farmer, Hogg, and Hanby be appointed the committee, and that the Secretary acquaint the House of Representatives thereof.

Mr. Hogg asked and obtained leave to bring in a bill to be entitled an act, pointing out the mode of coercing the taxes due the State from the defaulting tax collectors therein, which was read the first time, and ordered to be read a second time on Monday next.

A resolution providing for the preservation of the State records, was read a third time and passed.

A bill to provide for taking the Census, in pursuance to the requisitions of the constitution of the State of Alabama, was read a second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on Monday next.

A bill to be entitled an act, to amend an act, passed at St. Stephens, the 13th of February, 1818, to establish the Tombeckbe Bank, was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act, declaring that part of Limestone leading from Mooreville to the Tennessee river, a public highway, was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act, to authorise the Governor to dispose of the public arms of this State, was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act, for the relief of certain lessees of school lands in Madison county, was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act, to authorise Jeremiah Austell to dispose of the lands of the late David Files, was on motion of Mr. Chambers read a second time by its caption, and ordered to be read a third time on Monday next.

A bill to be entitled an act, to authorise Samuel B. Shields to sell certain lands therein mentioned, was read a second time by its caption, and ordered to be read a third time on Monday next.

Mr. Gause, from the committee of enrolled bills, reported, that the committee had examined the bill to be entitled an act, to provide for the government of the town of Blakeley, and found the same duly enrolled and signed by the President.

A bill to be entitled an act, providing for the payment of William Pye was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on Monday next.

A bill to be entitled an act, to repeal an act of the last General Assembly of the State of Alabama, entitled an act, for the encouragement of killing and destroying wolves and panthers, was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act to fix the seat of Justice in the county of Lauderdale, was read a second time, and ordered to be committed to a committee of the whole on Monday next.

Mr. Terrel called for the bill to define the boundaries of Marion county, and for other purposes, which was taken up, and, on motion of Mr. Sims, ordered that said bill be recommitted to a committee of the whole on Monday next.

A bill to be entitled an act, to incorporate the town of Ococoposo, in the county of Franklin, was read a second time by its caption, and ordered to be committed to a committee of the whole on Monday next.

A bill to be entitled an act, to apportion the representatives among the several counties within this State, and to divide the State into senatorial districts was read a second time by its caption, and, on motion of Mr. Seabury, ordered to be committed to a committee of the whole, and made the order of the day on Monday next.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act establishing a medical board in the State of Alabama, and for other purposes therein mentioned, Mr. Garth in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that

the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in. Ordered, that said bill as amended be engrossed and read a third time on Monday next.

A bill to provide for assessing and collecting the taxes in this State. On motion of Mr. Sims ordered to lie on the table.

On motion of Mr. Farmer, the order of the day on the bill to provide for digesting the laws of the State of Alabama, was postponed until Monday next.

According to order the Senate resolved itself into a committee of the whole, on the bill to be entitled an act, for the government of the port and harbour of Blakeley, Mr. Chambers in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in. On motion of Mr. Seabury, ordered that said bill as amended be engrossed and read a third time on Monday next.

On motion of Mr. Farmer a resolution proposing amendments to the Constitution of the State of Alabama, was postponed until Monday next.

Mr. Casey moved that the Senate concur in the report of the committee of the whole on the bill to be entitled an act to afford a summary relief to persons purchasing lands of the United States; and the question being put thereon it was decided in the negative.

On motion of Mr. Seabury said bill was ordered to lie on the table.

Mr. Gause, from the committee on enrolled bills, reported, that the committee had presented to the Governor, for his approval and signature, a bill to be entitled an act to provide for the government of the town of Blakeley.

The Senate adjourned until Monday morning, ten o'clock.

Monday, December 4, 1820.

The Senate met pursuant to adjournment.

A Message from the Acting Governor, by Thomas A. Rogers, Secretary of State.

Mr. President, and Gentlemen of the Senate,

I am instructed by the Acting Governor to inform you, that he did on this day approve and sign an act to provide for the government of the town of Blakeley, which originated in this Honourable body.

On motion of Mr. Garth the following resolution was adopted: *Resolved*, That the Military Committee be instructed to inquire into the expediency of reducing the salary of the Adjutant and Quarter-Masters General; and that they be directed to report by bill or otherwise.

On motion of Mr. Farmer, *Resolved*, That the Committee of Finance be instructed to inquire into the expediency of making further provision by law for the adjusting the accounts existing between the

State of Alabama and the Mississippi; and to inquire what progress has been made on this subject, in conformity to a resolution of the Legislature of Alabama, adopted the 13th December, 1819.

Mr. Garth introduced a resolution requesting the Governor of this State to transmit to our Senators and Representatives in Congress the Census of this State, and for other purposes; which was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to establish and regulate Justices Courts, was read a second time by its caption, and ordered to be committed to a committee of the whole and made the order of the day on to-morrow.

Mr. Gause asked and obtained leave to introduce a bill to establish the seat of Justice in Montgomery county, which was read the first time, and ordered to a second reading on to-morrow.

Mr. Casey asked and obtained leave to bring in a bill to be entitled an act to vest certain lots in the Intendant and Council of the town of Cahawba, and for other purposes, which was read the first time, and ordered to be read a second time on Wednesday next.

A bill to be entitled an act pointing out the mode of coercing the taxes due the State from the defaulting tax collectors therein, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

Mr. Gause gave notice that on to-morrow he should ask for leave to bring in a bill to authorise the Secretary of State to employ a Clerk.

According to order the Senate resolved itself into a committee of the whole, on a bill to provide for digesting the Laws of the State of Alabama, Mr. Farmer in the chair; and after some time spent therein the committee rose. Mr. President resumed the chair, and Mr. Farmer reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

On motion of Mr. Casey, the order of the day on a resolution proposing amendments to the State Constitution was postponed until to-morrow.

On motion of Mr. Farmer the committee of the whole was discharged from the further consideration of a bill to provide for taking the census in pursuance to the requisitions of the Constitution of the State of Alabama. Ordered that said bill be referred to a select committee. Whereupon Messrs. Farmer, Hanby, and Ringgold, were appointed.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act for the relief of certain lessees of School lands in Madison county, Mr. Davis in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

A message from the House of Representatives by Messrs. Perkins and Coats.

Mr. President, and Gentlemen of the Senate.

The House of Representatives have passed the following bills, which originated in the Senate.

An act declaring the Oaktuppa Creek a navigable stream.

An act to provide for fixing the site for the permanent seat of justice for the County of Marengo, and for other purposes therein named.

An act authorising a review of Flint River; and have amended the first section after the words "Flint river," by inserting these words, "in Cotaco County," to which they ask your concurrence.

The House of Representatives have also passed the following bills, to which they ask your concurrence.

A bill to be entitled an act to authorise the County Court of Conecuh County to levy a tax for building a Court-House and Gaol in said county, and for other purposes therein mentioned.

A bill to be entitled an act to authorise a lottery for the building a bridge over Clear Creek, in the town of Cahawba.

A bill to be entitled an act to amend an act entitled an act providing for the determination of suits and controversies by arbitration, passed at Huntsville, 13th December, 1819.

A bill to be entitled an act to incorporate the town of Washington, in the County of Autauga.

A bill to be entitled an act to authorise the Governor, in person, exercising that office, to remit any part of any fine, forfeiture, or sentence of imprisonment.

A bill to be entitled an act to amend an act entitled an act to establish a Bank in the town of Mobile, passed at St. Stephens the 20th November, 1818.

A bill to be entitled an act supplementary to the act entitled an act to incorporate the city of Mobile, passed the 17th December, 1819.

A bill to be entitled an act to authorise Henry Taylor, of Wilcox County, to emancipate certain slaves therein named.

The bill to be entitled an act to authorise the County Court of Conecuh County to levy a tax for building a Court-House and Gaol in said county, and for other purposes therein mentioned, was taken up and read the first time, and ordered to be read the second time on to-morrow.

According to order the Senate resolved itself into a committee of the whole on a bill to be entitled an act providing for the payment of William Pye, Mr. Gause in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Gause reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in; ordered that said bill be read a third time on to-morrow.

The order of the day on a bill to be entitled an act to fix the seat of Justice in the county of Lauderdale, was postponed until to-morrow.

On motion of Mr. Terrel the committee of the whole was discharged

from the further consideration of a bill to define the boundaries of Marion county, and for other purposes. Ordered, that said bill be engrossed and read a third time on to-morrow.

On motion of Mr. Hogg, the bill to be entitled an act to apportion the Representatives among the several counties within this State, and to divide the State into Senatorial districts, was ordered to lie on the table.

On motion of Mr. Watkins, a bill to be entitled an act to establish a Medical Board in the State of Alabama, and for other purposes therein mentioned, was laid on the table.

The engrossed bill to be entitled an act for the government for the port and harbor of Blakeley, was read the third time and passed. Ordered, that the title of said bill be an act for the government of the port and harbour of Blakeley.

An act to amend an act passed at St. Stephens the 13th February, 1818, to establish the Tombeckbe Bank, was read a third time and passed.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act to incorporate the town of Ococoposo, in the county of Franklin. Mr. Chambers in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in. On motion of Mr. Chambers, ordered that said bill be engrossed and read a third time on to-morrow.

An act to authorise the Governor to dispose of the public arms of this State, was read a third time and passed.

An act to authorise Jeremiah Austell to dispose of the lands of the late David Files was read a third time and passed.

An act to authorize S. B. Shields to sell certain lands therein mentioned, was read a third time and passed.

A bill entitled an act declaring that part of Limestone leading from Moorsville to Tennessee river a public highway, was read the third time. On motion of Mr. Gaines, said bill was amended by adding an additional section thereto, by way of rider, to wit:

Section 3. *And be it further enacted*, that Flint river, in Madison county, from its confluence with the Tennessee river, up the same to the first mill commonly called Browns or Scotts mill, and the river Paintrock in Jackson county, from its confluence with the Tennessee to Fletcher's mill, be, and they are hereby declared to be public highways, and any person obstructing the same or either of them, between the points herein mentioned, and declared highways, by falling trees, logs or otherwise, shall be liable to all the pains and penalties, and recoverable in the same manner as are prescribed in the second section of this act. Said bill as amended was then read a third time and passed.

An act to repeal an act of the last General Assembly of the State of Alabama, entitled an act, for the encouragement of killing and destroying wolves and panthers, was read the third time.

On motion of Mr. Connor said bill was amended by the following additional section by way of rider :

"Section 2. *And be it further enacted*, That so much of the act passed at Huntsville, Dec. 17, 1819, entitled an act, to extend the corporation of the town of Huntsville, in Madison county," as exempts or exonerates the persons or property of Thomas and William Brandon, who reside within the limits of said corporation, from the effect or operation of the bye-laws of said corporation. Said bill as amended was then read a third time and passed. Ordered that the Secretary acquaint the House of Representatives thereof.

Mr. Terrel gave notice that he should on to-morrow ask for leave to bring in a bill prohibiting the removal of distempered cattle, and for other purposes, and also for leave to introduce a bill making provision for the election of a Governor to fill any vacancy which may happen in that department, and for other purposes.

The Senate then adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 5, 1820.

The Senate met pursuant to adjournment.

Mr. Trotter, from the committee on propositions and grievances, made a report on the memorial of John Byler, of Lawrence county. Ordered that said report lie on the table.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the following bills and found the same duly enrolled.

An act declaring the Oaktuppa Creek a navigable stream.

An act to provide for fixing the site for the permanent seat of justice for the county of Marengo, and for other purposes therein named.

An act authorising a review of Flint river, in Cotaco county.

Mr. Terrel called for the order of the day on the bill to define the boundaries of Marion county, and for other purposes, which was taken up and read a third time, and passed.

A bill to be entitled an act, to authorise Henry Taylor, of Wilcox county, to emancipate certain slaves therein named, was read the first time, and the question being put, "shall this bill be read a second time on to-morrow?" it was decided in the negative.

A bill to be entitled an act, supplementary to the act, entitled an act, to incorporate the city of Mobile, passed the 17th of December, 1819, was read the first time, and ordered to a second reading on to-morrow.

On motion of Mr. Chambers the following resolution was adopted :

Resolved, That the Senate will repair to the representative chamber, on any day which notice may be given by the House of Representatives, for the purpose of electing Judges of the county courts, in such counties as the same may have become necessary. Ordered that the Secretary of the Senate acquaint the House of Representatives thereof.

A bill to be entitled an act to incorporate the town of Washington, in the county of Autauga, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to authorise the Governor, or person exercising that office to remit any part of any fine, forfeiture, or sentence of imprisonment, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to amend an act entitled an act providing for the determination of suits and controversies by arbitration, passed at Huntsville, 13th December, 1819, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act authorising a Lottery for the building a bridge over Clear Creek, in the town of Cahawba, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act, to amend an act, entitled an act, to establish a Bank in the town of Mobile, passed at St. Stephens, the 20th November, 1818, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act, to authorise the county court of Conecuh county, to levy a tax for building a court house and gaol in said county, and for other purposes therein mentioned, was read a second time, and ordered to be read a third time on to-morrow.

A resolution requesting the Governor of the State to transmit to our Senators and Representatives in Congress the census of this State, and for other purposes, was read a second time, and ordered to be engrossed and read a third time on to-morrow.

A bill to establish the seat of justice in Montgomery county, was read a second time, and ordered to be engrossed and read a third time on to-morrow. According to order the senate resolved itself into a committee of the whole, on

A bill to be entitled an act to establish and regulate Justices courts, Mr. Rose in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Rose reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendments, which was concurred in. On motion of Mr. Sims, ordered that said bill lie on the table.

According to order the senate resolved itself into a committee of the whole, on a bill to be entitled an act, pointing out the mode of coercing the taxes due the state, from the defaulting tax collectors therein, Mr. Watkins in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was rejected.

On motion of Mr. Hogg, said bill was referred to a select committee, whereupon Messrs. Hogg, Garth, and Rose were appointed. On motion of Mr. Garth, the order of the day on the bill to provide for digesting the laws of the State of Alabama was postponed until to-morrow.

On motion of Mr. Gause, the order of the day on a resolution pro-

posing amendments to the constitution of the State, was postponed until to-morrow.

On motion of Mr. Casey, a bill to be entitled an act for the relief of certain lessees of school lands in Madison county, was ordered to lie on the table.

On motion of Mr. Farmer, the committee of the whole was discharged from the further consideration of a bill to be entitled an act to fix the seat of Justice in the county of Louderdale, and said bill was referred to a select committee, whereupon Messrs. Farmer, Hogg, and Sims were appointed.

A bill to be entitled an act to provide for the payment of William Pye, was read a third time and passed.

Engrossed bill to be entitled an act to incorporate the town of Occoposo, in the county of Franklin, was read a third time and passed.

Engrossed bill to be entitled an act establishing a Medical Board in the State of Alabama, and for other purposes therein mentioned, was read a third time, and the question being put, 'shall said bill pass?' it was decided in the negative. The yeas and nays being desired, those who voted in the affirmative, are Messrs. Casey, Gause, Ringgold, Seabury, and Watkins, 5.

Those who voted in the negative, are Messrs. President, Connor, Davis, Farmer, Garth, Gaines, Hanby, Hogg, Hodges, Metcalf, Ross, Sims, and Terrel, 13.

Senate adjourned, until 10 o'clock to-morrow morning.

Wednesday, December 6, 1820.

The Senate met pursuant to adjournment.

Mr. Seabury, from the committee appointed to inquire into the expediency of ceding to the United States, the jurisdiction of so much land as may be necessary for the purpose of building a light house, and for the accommodation of the keepers thereof at Mobile point, reported by a bill to be entitled an act to cede to the United States, the jurisdiction of this State to certain land for the purpose therein mentioned; which bill was read the first time, and on motion, ordered to be read a second time on to-morrow.

A bill to be entitled an act to vest certain lots in the Intendant and Council of the town of Cahawba, and for other purposes, was read the second time. On motion said bill was committed to a committee of the whole, and made the order of the day on to-morrow.

Mr. Sims asked and obtained leave to introduce a bill to be entitled an act appointing additional precincts for holding elections in the county of Bibb, which was read the first time, and, on motion, ordered to be read a second time on to-morrow.

Mr. Gause, from the committee on enrolled bills, reported that the Committee had presented to His Excellency the Governor, for his approval and signature, the following bills, to wit:

An act to provide for fixing the site for the permanent seat of Justice for the county of Marengo, and for other purposes therein mentioned.

An act authorising a review of Flint river in Colusa county. An

act declaring the Oaktuppa Creek, a navigable stream, &c. According to the order of the day, An act supplementary to the act entitled an act to incorporate the city of Mobile, passed the 17th December, 1819; An act to incorporate the town of Washington, in the county of Autauga; An act to amend an act entitled an act providing for the determination of suits and controversies by arbitration, passed at Huntsville 13th Dec. 1819; An act authorizing a lottery for the building a bridge over clear creek, in the town of Cahawba; And an act to amend an act entitled an act to establish a bank in the town of Mobile, passed at St. Stephens the 20th November, 1818, were severally read the second time. And on motion, ordered to be read the third time on to-morrow.

Mr. Chambers introduced the following resolution, to wit:

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the north east room on the second floor of the State House, be assigned for the use of the Comptroller of accounts, and that the south west room on the first floor, be assigned for the use of the State Treasurer, which resolution was read the first time. On motion said resolution was ordered to be read a second time on to-morrow.

On motion of Mr. Farmer, Mr. Terrel was added to the committee appointed to settle the accounts of the State Engineer.

According to order of the day the Senate resolved itself into a committee of the whole on a bill to digest the laws of the State of Alabama, Mr. Watkins in the chair; and after some time spent therein the committee rose; Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

A bill to be entitled an act to authorise the Governor or person exercising that office to remit any fine, forfeiture or sentence of imprisonment, was read a second time; on motion, ordered to be committed to a committee of the whole, and made the order of the day on to-morrow. On motion of Mr. Gause the order of the day on a Resolution proposing amendments to the constitution was postponed until to-morrow.

A message from the Governor by Thomas A. Rogers, Secretary of State: Mr. President and Gentlemen of the Senate, I am instructed by the acting Governor, to inform you that he has on to-day approved and signed, an act authorising a review of Flint River, in Catoosa county: An act declaring the Oaktuppa creek a navigable stream, and an act to provide for fixing the site for the permanent seat of justice for the county Marengo, and for other purposes therein mentioned.

A bill to be entitled an act to authorise the county court of Conecuh county, to levy a tax for building a Court House and Gaol in said county, and for other purposes therein mentioned, was read a third time and passed.

Engrossed resolution requesting the Governor to transmit the cen-

ous to our Senators and Representatives in Congress, requesting them to use their exertions to obtain an additional Representative therein, was read a third time and passed.

Engrossed bill to be entitled an act to establish the seat of Justice in Montgomery county, was read a third time and passed. On motion of Mr. Farmer, the committee of the whole was discharged from the further consideration of a bill, to provide for facilitating the Navigation of the water courses of the State of Alabama. Ordered, that said bill be referred to the committee appointed to settle the account with the State Engineer.

Mr. Terrel asked and obtained leave to bring in a bill to prohibit the removal of distempered cattle, which was read the first time. Ordered to be read a second time on to-morrow.

On motion of Mr. Farmer, the committee of the whole was discharged from the further consideration of a bill, to provide for assessing and collecting the taxes in this State. Ordered that said bill be referred to the committee on a bill to provide for taking the census, in pursuance to the requisitions of the constitution of the State of Alabama.

Mr. Farmer gave notice that he should on to-morrow ask for leave to bring in a bill, to be entitled an act, to compel plaintiffs in courts at law, to give security for costs.

On motion of Mr. Davis, the following resolution was adopted:

Resolved, That no new matter shall be introduced into the Senate except from standing committees, after the ninth day of this instant.

The Senate adjourned until to-morrow morning ten o'clock.

Thursday, December 7, 1826.

Senate met pursuant to adjournment.

Mr. Gause, from the committee of enrolled bills, reported that the committee had examined the following bills and found the same duly enrolled, to wit: An act, to authorise the Governor to dispose of the public arms of this State; An act, to authorise Jeremiah Austell to dispose of the lands of the late David Files; An act, to amend an act, passed at St. Stephens, the 13th of February, 1818, to establish the Tombeckbe Bank, which were signed by the President. A bill to be entitled an act, to cede to the United States the jurisdiction of this State to certain land, for the purpose therein mentioned, was read a second time. Ordered to be engrossed and read a third time on to-morrow.

A bill to be entitled an act, appointing additional precincts for holding elections in the county of Bibb, was read a second time. On motion of Mr. Sims, ordered to be engrossed and read a third time on to-morrow.

Resolution disposing of the chambers in the State House, for the use of public officers, was read a second time; on motion of Mr. Chambers, ordered to be engrossed and read a third time on to-morrow.

A bill to prohibit the removal of distempered cattle, was read a second time; on motion of Mr. Terrell, ordered to be engrossed and read a third time on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to vest certain lots in the Intendant and Council of the town of Cahawba, Mr. Seabury in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Seabury reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

According to order, the Senate resolved itself into a committee of the whole, on a bill to provide for digesting the laws of the State of Alabama, Mr. Davis in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was refused.

On motion of Mr. Chambers, said bill was referred to a select committee, whereupon Messrs. Farmer, Chambers, and Connor, were appointed.

According to order, the Senate resolved itself into a committee of the whole, on a resolution proposing amendments to the constitution, Mr. Chambers in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported, that the committee of the whole had, according to order, had said resolution under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

Mr. Gause, from the committee of enrolled bills, reported, that the committee had examined the following bills, and found the same duly enrolled, to wit: An act to authorise Samuel B. Shields, to sell certain lands therein mentioned: An act providing for the payment of William Pye; An act to incorporate the Cahawba navigation company; An act to alter an act entitled an act to establish certain counties therein named, and for other purposes therein mentioned; and an act, to authorise the county court of Conecuh county, to levy a tax for building a court house and gaol in said county, and for other purposes therein mentioned.

A bill, to be entitled an act, supplementary to the act entitled an act, to incorporate the city of Mobile, passed 17th December, 1819, was read a third time and passed.

Mr. Garth from the committee on the judiciary, reported a bill to be entitled an act, concerning intestates estate, and for other purposes, which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Farmer, agreeable to notice, asked and obtained leave to bring in a bill to be entitled an act, to compel plaintiffs in courts of law, to give security for costs at the time of issuing original writs, or other process, which was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to incorporate the town of Washington, in the county of Autauga, was read a third time and passed.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to apportion the representatives among the several counties within this State, and to divide the State into senatorial districts, Mr. Watkins in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

A bill to be entitled an act to amend an act entitled an act providing for the determination of suits and controversies by arbitration, passed at Huntsville 13th December, 1819, was read a third time and passed.

The Senate adjourned until ten o'clock to-morrow morning.

Friday, December 8, 1820.

Mr. Garth, from the committee on the judiciary, reported a bill to be entitled an act, giving jurisdiction over certain water courses, which was read the first time, and ordered to a second reading on to-morrow.

Mr. Terrel introduced a resolution, appointing commissioners to review and mark out a road, the nearest and best way from where the military road crosses the Buttahachee river, to the Falls of Tuskalooza, which was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act, concerning intestates estate, and for other purposes, was read a second time.

On motion of Mr. Garth, ordered that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to compel plaintiffs in court of law, to give security for costs at the time of issuing original writs, or other process, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day for afternoon.

A bill to be entitled an act authorising a lottery for building a bridge over Clear Creek, in the town of Cahawba.

A bill to be entitled an act appointing additional precincts for holding elections in the county of Bibb.

A bill to be entitled an act to amend an act entitled an act to establish a Bank in the town of Mobile, passed at St. Stephens the 20th of November, 1818.

A bill to be entitled an act to cede to the United States the jurisdiction of this state to certain lands, for the purpose therein mentioned; and a bill to be entitled an act to authorise Daniel Reed to emancipate certain slaves therein named, were severally read the third time and passed.

A bill to be entitled an act to authorise Killis Walton to emancipate a negro man slave named Tom, was read a third time; and the question being put, "Shall this bill pass?" it was decided in the affirmative.

The yeas and nays being called for, those who voted in the affirmative are, Messrs. President, Chambers, Connor, Davis, Garth, Gaines, Hanby, Harwell, Hodges, Rose, Seabury, Sims, Trotter, and Terrel, 14.

Those who voted in the negative are, Messrs. Casey, Farmer, Gause, Herbert, Hogg, Metcalf, Ringgold, Watkins, and Ware, 9.

On motion of Mr. Chambers the Senate, according to order, resolved itself into a committee of the whole, on a resolution proposing amendments to the Constitution, Mr. Gause in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Gause reported, that the committee of the whole had, according to order, had said resolution under consideration, and had directed him to report the same without amendment, and the question being taken on concurring with the report of the committee of the whole, it was decided in the affirmative.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Chambers, Connor, Farmer, Gause, Hanby, Harwell, Herbert, Hogg, Metcalf, Ringgold, Rose, Seabury, Sims, Terrel, Trotter, Watkins, and Ware---18.

Those who voted in the negative are, Messrs. President, Davis, Garth, and Gaines.

Mr. Hogg, from the Select Committee, reported a bill to be entitled an act to provide for the collection of debts due the state, and for other purposes therein mentioned, was read the first time, and ordered to be read a second time on to-morrow.

The senate resumed the consideration of a bill to be entitled an act to authorise John N. S. Jones and Alex. P. Jones to emancipate certain slaves therein named. Mr. Hogg moved that said bill be postponed until the first of June next; and the question being taken thereon, it was decided in the negative---Yeas 11, Nays 12.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. Casey, Farmer, Garth, Gaines, Gause, Herbert, Hogg, Metcalf, Ringgold, Watkins, and Ware.

Those who voted in the negative are, Messrs. President, Chambers, Connor, Davis, Hanby, Harwell, Hodges, Rose, Seabury, Sims, Terrel, and Trotter.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being desired, those who voted in the affirmative are, Messrs. President, Chambers, Connor, Davis, Hanby, Harwell, Hodges, Rose, Seabury, Sims, Terrel, and Trotter--12. Those who voted in the negative, are Messrs. Casey, Farmer, Garth, Gause, Gaines, Herbert, Hogg, Metcalf, Ringgold, Watkins, and Ware.

According to order, the senate resolved itself into a committee of the whole, on a bill for the relief of Eugenio Campbell, Mr. Casey in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

A Message from the House of Representatives, by Mr. Chapman.

Mr. President---The House of Representatives have passed a bill to be entitled an act to incorporate the trustees of the Solemn Grove Academy, in Monroe County.

A bill to be entitled an act to point out the duties of owners and keepers of water mills, who grind grain for toll; and a bill to be entitled an act authorising a lottery for the benefit of the Alabama Lodge No. 51 of Ancient Free-Masons, and Halo Lodge of Cahawba; and have amended said bill in the tenth line, by striking out the word ten and inserted fifteen. In the second section they have stricken out the words "Judge of the Circuit," and inserted the words "Chief Justice of the County," and have added a section thereto: to wit. Section 11, *And be it further enacted*, That it shall and may be lawful for Charles Lewin, Constantine Perkins, James Cain, Marmaduke Williams, and John Inge, or a majority of them, to raise by lottery, in one or more classes, as to them may seem most expedient, any sum not exceeding Fifteen thousand Dollars, to be appropriated to the erecting and finishing a Masonic Hall, for the use and benefit of the Lodge Rising Virtue No. 30, at the town of Tuscaloosa, under the same regulations and responsibilities as are herein before prescribed for the Alabama Lodge No. 51 of Ancient Free-Masons; they have also amended the title of said bill by striking therefrom the word "and," and by inserting the words "Rising Virtue Lodge No. 30, of Tuscaloosa," and also by striking out the word "lottery," and inserting in lieu thereof the word 'lotteries,' to which they desire your concurrence. The Senate proceeded to the consideration of the amendments proposed to said bill, by the House of Representatives, which were severally read and concurred in. Ordered that the Secretary of the Senate, acquaint the House of Representatives thereof.

A bill to be entitled an act to incorporate the Trustees of Solemn Grove Academy, was read the first time and ordered to be read a second time on to-morrow.

Mr. Watkins asked, and obtained leave to bring in a bill to be entitled an act to establish and fix on a site for the seat of justice in Wilcox county, was read the first time, and ordered to be read a second time on to-morrow.

Mr. Connor asked and obtained leave to bring in a bill to be entitled an act to fix the seat of justice permanently in the county of St. Clair, which was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act declaring certain rivers therein named, to be public highways, was read the first time, and ordered to be read a second time on to-morrow.

Mr. Farmer from a select committee, reported a bill to provide for facilitating the navigation of the water courses, of the State of Alabama, which was read the first time, and ordered to be read a second time on to-morrow.

The Senate resumed the consideration of a bill, to be entitled an act to afford summary relief to persons purchasing lands of the United States.

Mr. Ringgold moved to amend the said bill, by adding the following section :

Be it further enacted, That the summary mode provided for in this act, shall not extend to the use of any person or persons, coming within the extent and meaning thereof, until after the first day of January next, succeeding the sale of such lands. And the question being taken on said amendment, it was decided in the negative.

Mr. Davis moved to strike out in the third section of said bill the words, 'bare, and conclusive,' and the question being taken therein, it was decided in the affirmative. On motion the further consideration of said bill was postponed until to-morrow.

The Senate adjourned until ten o'clock to-morrow morning.

Saturday, December 9, 1820.

A bill to be entitled an act, giving jurisdiction over water courses, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on Monday next.

Message from the House of Representatives, by Mr. Brown.

Mr. President.

The House of Representatives have passed a bill to be entitled an act to organize the militia of this State, and have disagreed to the amendment proposed by the Senate to a bill, to be entitled an act, to repeal an act of the last General Assembly of the State of Alabama, entitled an act, for the encouragement of killing and destroying wolves and panthers ; and the question being put, shall the Senate insist on the amendment to said bill, it was decided in the affirmative. Ordered that the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act, to organize the militia of the State of Alabama, was read the first time, and ordered to be read a second time on Monday next.

Mr. Gause, from the committee on enrolled bills, reported that the committee had examined a bill, to be entitled an act, to point out the duties of owners and keepers of water mills, who grind grain for toll, and found the same duly enrolled.

On motion of Mr. Davis, the Senate according to the order of the day, resolved itself into a committee of the whole, on a bill to be entitled an act, for the relief of certain lessees of school lands in Madison county, Mr. Watkins in the chair, and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in. On motion said bill was read the third time forthwith and passed.

Mr. Sims asked and obtained leave to bring in a bill to be entitled an act, supplementary to an act establishing the permanent seat of justice in Cahawba county, passed at Huntsville, 17th December, 1819, which was read the first time, and ordered to be read a second time on Monday next.

Mr. Ferrel from the committee on university lands, reported a bill

authorising the sale of college lands, and for other purposes, which was read the first time, and ordered to be read a second time on Monday next.

According to the order of the day, the Senate resolved itself into a committee of the whole on a bill to be entitled an act to authorise the Governor, or the person exercising that office, to remit any part of any fine, forfeiture, or sentence of imprisonment. Mr. Casey in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same, without amendment. Ordered that the report of the committee on said bill be postponed until Monday next.

Mr. Garth from the committee on the judiciary, reported a bill to be entitled an act repealing a part of the 28th section of an act to regulate the proceedings, in the courts of Law and Equity in this State, which was read the first time, and ordered to be read the second time on Monday morning. On motion of Mr. Farmer, the Senate resumed the consideration of the report of the committee of propositions and grievances on the memorial of John Byler, and his associates, and the question being taken, on agreeing to said report, it was decided in the negative.

Mr. Gause from the committee of enrolled bills, reported that he had presented to his honor, the acting Governor, for his approval and signature, a bill to be entitled an act to point out the duties of owners and keepers of Water Mills, who grind grain for toll. The order of the day on a bill to be entitled an act to afford summary relief to persons purchasing lands of the United States, was, on motion, postponed until Monday next.

A resolution allowing Samuel Dale, and his securities, a further time to complete the payment of money due the State of Alabama, as collector of Monroe county, for the year 1817, was read the first time, and ordered to be read a second time on Monday next.

A Message from the acting Governor, by Thomas A. Rogers, Secretary of State.

Mr. President and Gentlemen of the Senate,

I am instructed by the acting Governor to inform you, that he did on this day approve and sign an act to point out the duties of owners and keepers of Water Mills, who grind grain for toll, which originated in this honorable body.

A resolution proposing amendments to the constitution of the State of Alabama, was read a third time, and the question being put on the passage of said resolution, it was decided in the affirmative.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. Casey, Chambers, Connor, Gause, Hanby, Harwell, Herbert, Hogg, Metcalf, Ringgold, Rose, Seabury, Sims, Terrel, Trotter, Watkins and Ware, 17. Those who voted in the negative, are Messrs. President, Davis, Garth, Gaines, and Hodges, 5.

Mr. Sims asked, and obtained leave to bring in a bill to be entitled

an act to authorise the Governor to sell certain lots on the public lands, east of the Alabama river, and opposite to the town of Cahawba, which was read the first time, and ordered to be read a second time on Monday next.

A bill to be entitled an act to incorporate the Trustees of the Solemn Grove Academy, was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act to provide for the collection of debts due the State, and for other purposes therein mentioned, was read a second time, and ordered to be engrossed, and read a third time on Monday next.

A bill to be entitled an act to establish and fix on a site for the seat of Justice in Wilcox county, was read a second time, and ordered to be engrossed and read a third time on Monday next.

The Senate adjourned until ten o'clock Monday morning.

Monday, December 11, 1820.

Mr. Farmer from the committee of finance, made the following report, that said committee having had under consideration, the adjustment of the accounts, between the States of Alabama and Mississippi, agreeable to instruction by a resolution of the Senate, and are informed that the acting Governor, is now in correspondence with the Executive of Mississippi, on the subject in conformity with the provisions of a resolution, passed by the General Assembly, the 13th December, 1819, which resolution in the opinion of your committee, makes sufficient provision for the accomplishment of the said object, and that no further Legislative provisions are necessary, which report was concurred in.

Mr. Gause from the committee of enrolled bills, reported that the committee had examined the following bills, and found the same duly enrolled.

An act to authorise a Lottery for the building a bridge over Clear Creek, in the town of Cahawba. An act to authorise Daniel Reed to emancipate certain slaves therein mentioned. An act to amend an act to establish a Bank in the town of Mobile, passed at St. Stephens, 20th November, 1818. An act to amend an act entitled an act, providing for the determination of suits and controversies by arbitration passed at Huntsville 13th December, 1820. An act to authorise John N. S. Jones and Alexander P. Jones, to emancipate certain slaves therein named. An act to authorise Killis Walton, to emancipate a negro man slave, named Tom.

Mr. Ringgold from the committee on the census, reported a bill to be entitled an act to provide for assessing and collecting of taxes, and for taking the census of this State, which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined a bill to be entitled an act authorising lotteries, for the benefit of the Alabama Lodge, No. 51, of ancient Freemasons, Halo Lodge of Cahawba, and Rising Virtue Lodge, No. 30, of Tuscaloosa, and found the same duly enrolled.

Mr. Farmer from the military committee, reported that the committee deem it unnecessary to offer any bill, on the subject of the militia laws, in addition to the bill now before the Senate, which report was concurred in. Mr. Farmer from the select committee, to whom was referred a memorial to the Congress of the United States, for the donation of the islands in certain rivers in this State, reported the same without amendment, which was ordered to be engrossed, and read a third time on to-morrow.

A bill to be entitled an act to incorporate the Trustees of the Solomn Grove Academy, was read a third time and passed.

Mr. Farmer from the select committee, reported a bill to be entitled an act to provide for digesting the Laws of the State of Alabama, which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Chambers moved the following resolution, *Resolved by the Senate*, that from and after the passage of this resolution, the Senate will adjourn to nine o'clock in the morning of each day, and sit till one o'clock in the evening, adjourn until two o'clock, and then sit until they go through the whole of the business of the day, the question being put on the passage of said resolution, it was decided in the negative.

A message from the House of Representatives, by Messrs. Perry and Morton.

Mr. President,

The House of Representatives have passed a bill to be entitled an act authorising the Governor to pay to the Town Council of Cahawba, two thousand dollars, on account of the Bridge which they are now building, in the town of Cahawba, and a bill to be entitled an act to apportion the Representatives among the several counties in this State, and to divide the State into senatorial districts, according to the returns of the State census.

A bill to be entitled an act to authorise the Governor, to pay to the Town Council of Cahawba, two thousand dollars, on account of the Bridge which they are now building in the Town of Cahawba, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to apportion the Representatives among the several counties of this State, and to divide the State into senatorial districts, according to the returns of the census, was read the first time, and ordered to lie on the table.

A bill to be entitled an act for the collection of monies due the State and for other purposes, was read the third time and passed. Ordered that the title of said bill be an act for the collection of money due the State and for other purposes.

A bill to be entitled an act to establish and fix on the site for the seat of justice in Wilcox county, was read a third time and passed.

Ordered that the title of said bill be an act to establish and fix the site for the seat of justice in Wilcox county.

A bill to be entitled an act to fix the seat of justice permanently in the county of St. Clair, was read a second time.

The following message was received from the acting Governor, by Thomas A. Rogers, Secretary of State.

Gentlemen of the Senate and of the House of Representatives,

I herewith lay before the General Assembly, an abstract of the Census of the counties of Baldwin and Blount, received since my communication of the 9th ultimo; no return has yet been made by the county of Marion, and I think it probable none will be received for the present year. I have the honour at this time also, to lay before you a memorandum of vacancies which have occurred since the last session of the General Assembly, in officers, which it will devolve on you, to fill during the present session.

December 8, 1820.

THOMAS BIBB.

The message and documents were read.

Message from the House of Representatives by Messrs. Perry and Morton.

Mr. President,

The House of Representatives have passed a bill, to be entitled an act, to authorise the administrator of Thomas Ragland, deceased, to sell and transfer certain certificates of land, therein named, and have amended the bill, entitled an act, to amend an act, passed December 23, 1815, fixing a standard for measures. In the second section and fourth line from the top, they have stricken out the words twenty-five, and inserted in lieu thereof, the words twelve and a half; at the end of said section, they have added these words: provided nothing in this act, shall be so construed as to operate on any measures or weight heretofore tried by said standard of weights and measures, and stamped under the laws of the Alabama territory. In the third section they have stricken out the word March, and inserted in lieu thereof the word June; and the question being taken on said amendments, the first and second amendments were disagreed to, and the third concurred in by the Senate.

A bill authorising the sale of college lands and for other purposes was read a second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to provide for facilitating the navigation of the water courses of the State of Alabama, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, supplementary to an act, establishing the permanent seat of justice in Cahawba county, passed at Huntsville 17th December, 1819, was read a second time, and ordered to be engrossed and read a third time on to-morrow.

A bill to be entitled an act, repealing a part of the 28th section of an act, to regulate the proceedings in the courts of law and equity in this State, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to authorise the Governor to sell cer-

tain lots on the public lands east of Alabama river, and opposite the town of Cahawba, was read a second time and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A resolution, allowing Samuel Dale, and his securities, a further time to complete the payment of money due the State of Alabama, as collector of Monroe county, for the year 1817, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to organize the militia of this State, was read a second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to vest certain lots in the Intendant and Council of the town of Cahawba, and for other purposes, Mr. Terrel in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Terrel reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in. On motion of Mr. Casey said bill was ordered to lie on the table.

Message from the House of Representatives, by Messrs. M'Kinley and Murphy.

Mr. President,

The House of Representatives have passed a bill to be entitled an act, to raise a revenue for the support of government, for the year 1821, which were read the first time, and ordered to be read a second time on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, giving jurisdiction over water courses, Mr. Chambers in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

Resolution appointing commissioners to mark out a road, from the military crossing of the Buttahachee, to the Falls of Tuskalooza, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

Mr. Farmer, from a select committee to whom was deferred the memorial of John Byler, reported a bill to be entitled an act, a mendatory to an act, entitled an act, to establish a public road therein named, was read the first time, and ordered to be read a second time on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill to prohibit the removal of distempered cattle, Mr.

Farmer in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same as amended, which report was ordered to lie on the table.

According to the order of the day, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to apportion the Representatives among the several counties within this State, and to divide the State into senatorial districts, Mr. Chambers in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Chambers reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, concerning intestate estates and for other purposes, Mr. Casey in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which was concurred in. Mr. Garth moved to strike out the word three in the second section of said bill, for the purpose of inserting six, and the question being taken thereon, was decided in the affirmative. Mr. Casey moved that said bill lie on the table, and the question being taken thereon, it was decided in the negative. Ordered that said bill as amended be engrossed and read a third time on to-morrow.

On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of a bill to be entitled an act, to compel plaintiffs in courts of law, to give security for costs at the time of issuing original writs or other process; and said bill was indefinitely postponed.

On motion of Mr. Chambers, a bill for the relief of Eugenio Campbell was indefinitely postponed.

On motion of Mr. Casey, the Senate resumed the consideration of a bill to be entitled an act, to vest certain lots in the Intendant and Council of the town of Cahawba, and for other purposes. Ordered that said bill be engrossed, and read a third time on to-morrow.

According to order, the Senate resolved itself into a committee of the whole, on a bill concerning divorce and alimony, Mr. Watkins in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again. On motion of Mr. Chambers, ordered that said bill lie on the table.

A message from the House of Representatives, by Mr. Moore, of Madison.

Mr. President--The House of Representatives recede from their

disagreement to the amendment of the Senate to an act to repeal an act of the last General Assembly of the State of Alabama, entitled an act for the encouragement of killing and destroying wolves and panthers. They concur in the amendments made by your honourable body to an act declaring that part of Limestone leading from Mooresville to the Tennessee river a public highway; and have passed the following bills:

A bill to be entitled an act to authorise Judges of the Circuit Courts, and Justices of the County Courts, to take acknowledgments of deeds, and relinquishments of dower.

An act to provide for enclosing the public building in the town of Cahawba, and for other purposes.

An act defining the duties of Sheriffs and Constables.

An act to prevent obstructing or diverting from the natural channel any water course which would otherwise flow through the land of any person.

An act to alter and extend the limits of Autauga county, and for other purposes; and an act to incorporate an Aqueduct Company in the city of Mobile.

The Senate adjourned until to-morrow morning at ten o'clock.

Tuesday, December 12, 1820.

Mr. Gause, from the committee on enrolled bills, reported, that the committee had examined the bill to be entitled an act to authorise the administrator of Thomas Ragland, deceased, to sell and transfer certain certificates of land therein named, and found the same duly enrolled.

An act to alter and extend the limits of Autauga county, and for other purposes. The House of Representatives have proposed to amend said bill by striking out these words in the thirteenth and fourteenth lines, "Shall be and remain the permanent boundaries."

On motion of Mr. Rose the Senate concurred in said amendment.

A bill to be entitled an act to incorporate an Aqueduct Company in the city of Mobile, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to provide for enclosing the public building in the town of Cahawba, and for other purposes, was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled an act to authorise Judges of the Circuit Courts, and Justices of the County Courts, to take the acknowledgments of deeds, and relinquishments of dower.

A bill to be entitled an act defining the duties of Sheriffs and Constables; and a bill to be entitled an act to prevent obstructing or diverting from the natural channel any water course which would otherwise flow through the land of any person, were severally read the first time, and ordered to be read a second time on to-morrow.

Mr. Farmer, from the Select Committee, reported a bill to fix the seat of justice in the county of Lauderdale, which was read the first time. On motion of Mr. Farmer said bill was read a second time by its caption, and ordered to be read a third time on to-morrow.

A bill to fix the seats of justice permanently in the counties of St. Clair and Perry, and for other purposes, was read a third time and passed. Ordered, that the title be, An act, &c.

An act concerning intestate's estates, and for other purposes, was read a third time and passed. Ordered, that the title be, An act, &c.

A bill to be entitled an act supplementary to an act establishing the permanent seat of justice in Cahawba county, passed at Huntsville 17th December, 1819, was read a third time and passed. Ordered, that the title of said bill be, An act, &c.

An act, to vest certain lots in the Intendant and Council of the town of Cahawba, and for other purposes, was read the third time and passed. Ordered, that the title of said bill be an act, &c.

And a memorial to the Congress of the United States for the donation of the islands in certain rivers in this state.---Were read the third time and passed.

Ordered, that the Secretary acquaint the House of Representatives thereof.

Message from the Acting Governor, by Thomas A. Rogers, Secretary of State.

Mr. President, and Gentlemen of the Senate---I am instructed by the Acting Governor to inform you, that he did, on the 11th inst. approve and sign an act authorising lotteries for the benefit of the Alabama Lodge No. 51, of Ancient Free Masons; Halo Lodge of Cahawba, and Rising Virtue Lodge No. 30, of Tuscaloosa. And on this day, an act to authorize the administration of Thomas Ragland, deceased, to sell and transfer certain certificates of land, therein named, which originated in this honorable body.

A bill to be entitled an act to provide for assessing and collecting of taxes, and for taking the census of this State, was read a second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act to provide for digesting the Laws of Alabama, was read a second time by its caption, and ordered to be committed to a committee of the whole on to-morrow.

A bill to be entitled an act authorising the Governor to pay to the Town Council of Cahawba, two thousand dollars on account of the Bridge which they are now building in the town of Cahawba, was read a second time, and ordered to be read a third time on to-morrow.

A bill to be entitled an act to raise a revenue for the support of Government, for the year 1821, was read a second time by its caption, and ordered to be committed to a committee of the whole on to-morrow.

On motion of Mr. Chambers the Senate, according to the order of the day, resolved itself into a committee of the whole, on a bill to be entitled an act, to organize the militia of this State, Mr. Gause in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Gause reported that the committee of the whole had, according to order, had said bill under consideration, and had made sundry amendments, which were several-

ly read and concurred in. Mr. Chambers moved to amend said bill by striking out the words "and two musicians," at the end of the second section, and insert the said words, between the words "forty privates," and the word "and" in said section, and by inserting between the word "serjeant and the word "four;" in the twenty-sixth line, the word "and." The question being taken thereon it was decided in the affirmative. Mr. Connor moved to amend said bill in the 2d section, and throughout, by striking out the word "Cahawba," and to insert "Bibb," and the question being taken thereon, it was decided in the affirmative. Mr. Sims moved to amend said bill in the 4th section, which is in these words : in case any militia officer be a candidate, at any election for a superior office, and not be elected, his place shall not be vacated, by striking out the word "not" at the end of the fourth section, where it reads "shall not be vacated thereby," and the question being taken thereon, it was decided in the affirmative ; the yeas and nays being desired, those who voted in the affirmative, are Messrs. President, Connor, Farmer, Garth, Harwel, Herbert, Hodges, Ringgold, Rose, Sims, Watkins and Ware, 12. Those who voted in the negative, are Messrs. Casey, Chambers, Davis, Gause, Gaines, Hanby, Hogg, Metcalf, Seabury and Terrel, 10. In the 3d section, at the end of the 4th line, of the second page of the bill, by striking out the word Marion, and inserting in place the word Madison. Striking out in the 32d section, the word forty, and inserting in lieu thereof the word twenty, also in the said section, by striking out the words seventy-five, and inserting in lieu thereof, the words one hundred. Mr. Connor moved to amend said bill in the 33d section, which is in these words : any non-commissioned officer or private, who shall refuse when drafted, and ordered to repair to the place of rendezvous, shall suffer death, or such other punishment as a court martial shall inflict, by striking out the word private, after the word or, and the question being taken thereon, it was decided in the negative.

The yeas and nays being desired, those who voted in the affirmative, are Messrs. President, Connor, Farmer, Garth, Gaines, Hanby, Herbert, Hodges, Hogg, Metcalf and Sims, 11. Those who voted in the negative, are Messrs. Casey, Chambers, Davis, Gause, Harwell, Ringgold, Rose, Seabury, Terrel, Trotter and Watkins, 11. Mr. Garth moved to amend said bill, by annexing to the 53d section the following proviso : *Provided*, that nothing in this act shall be construed to prevent having more than five militia companies in any battallion ; provided any company of said battallion, having more than one hundred men, may be divided, and the question being taken thereon, it was decided in the affirmative.

Mr. Ringgold moved to amend said bill by striking out in the 50th section, the word coatee, and the question being taken thereon, it was decided in the affirmative.

Mr. Rose moved to amend said bill, by introducing an additional section, after the 53d, altering the number of the last or repealing section, to that of 55. Section 54. *Be it further enacted*, That all

commissioned officers, shall uniform themselves within six months after the passage of this act, or six months after they shall have been commissioned, and the question being taken thereon, it was decided in the affirmative.

A bill to be entitled an act, amendatory to an act, to establish a public road therein named was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

Mr. Watkins asked and obtained leave to introduce a joint resolution authorising the State Treasurer to pay the expenses of the General Assembly in manner therein mentioned, and for other purposes, which was read the first time.

On motion, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with. On motion of Mr. Chambers, said resolution was read a second time, and made the order of the day forthwith.

The Senate, according to order, resolved itself into a committee of the whole on said resolution. Mr. Watkins in the chair, and after some time spent therein, the committee rose. Mr. President resumed the chair, and Mr. Watkins reported that the committee of the whole, had according to order, had said resolution under consideration, and not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was refused. On motion said resolution was ordered to be engrossed and read a third time on to-morrow.

The Senate then adjourned till to-morrow morning at 10 o'clock.

Wednesday, December 13, 1820.

Mr. Gause from the committee of enrolled bills, reported that the committee had examined a bill to be entitled an act, to alter and extend the limits of Autauga county, and for other purposes, which was signed by the President.

On motion of Mr. Chambers, a bill to be entitled an act, to organize the militia of this State, was read a third time and passed. Ordered that the Secretary acquaint the House of Representatives thereof.

Resolutions authorising the State Treasurer to pay the expences of the General Assembly, in manner therein mentioned and for other purposes was read a third time and passed.

A bill to be entitled an act, to apportion the representatives among the several counties of this State, and to divide into senatorial districts according to the returns of the census, was read a second time, and on motion of Mr. Rose, ordered to be committed to a committee of the whole, and made the order of the day forthwith.

On motion of Mr. Rose, according to order the Senate resolved itself into a committee of the whole on said bill, Mr. Farmer in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Farmer reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same as amended.

Mr. Rose moved that the Senate concur in the amendments of the

committee of the whole. Mr. Watkins moved that the question be taken separately on said amendments.

The first amendment reported by the committee of the whole :---in the 12th line, 1st section, strike out one and insert two after the word Bibb, and the question being taken thereon it was decided in the affirmative. The second amendment reported by the committee of the whole to strike out the second section of said bill in these words : Section 2, *And be it further enacted*, that the counties of Baldwin, Washington and Mobile shall form one senatorial district ; Conecuh, Henry and Butler one ; Munroe and Wilcox one ; Clark and Marengo one ; Dallas and Perry one ; Autauga and Montgomery one ; Green and Tuskaloosa one ; Bibb and Shelby one ; Jefferson and Marion one ; Blount and St. Clair one ; Cotaco one ; Lawrence one ; Franklin and Lauderdale one ; Limestone one ; Madison one, and Jackson one, and each district shall be entitled to elect one senator, and the question being taken on concurring with the committee of the whole on striking out said section, it was decided in the affirmative. The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Casey, Chambers, Connor, Farmer, Gause, Gaines, Hanby, Herbert, Hogg, Metcalf, Ringgold, Rose, Sims, Terrel, Trotter, Watkins and Ware, 18.---Those who voted in the negative are Messrs. Davis, Garth, Harwell, Hodges and Seabury, 5. Ordered that said bill be read a third time on to-morrow.

Message from the House of Representatives, by Messrs. Jackson and Cleveland.

Mr. President,---The House of Representatives have passed a bill to be entitled an act to amend an act, entitled an act for the government of the town of Cahawba, passed at Huntsville Dec. 3, 1819. A bill to be entitled an act to repeal in part, and amend an act to regulate the proceeding in the Court of Law and Equity in this state, which were severally read the first time, and ordered to be read a second time on to-morrow.

The House of Representatives have passed the resolution authorizing the State Treasurer to pay the expenses of the General Assembly in manner therein mentioned, and for other purposes, with the following amendments, between the words "member and thereof," by inserting, "clerk and doorkeeper," between the words "members and just," by inserting "clerks and doorkeepers," after the word "same" strike out all the first section, and insert in lieu thereof "having regard to kind as well quality, which amendments were concurred in by the Senate.

Message from the acting Governor, by Thomas A. Rogers, Secretary of State.

Mr. President, and Gentlemen of the Senate:---I am instructed by the acting Governor, to inform you that he did on this day approve and sign, An act to alter and extend the limits of Autauga county, and for other purposes, which originated in this honorable body.

Mr. Gause from the committee of enrolled bills, reported that the

committee had examined the following bills and found the same duly enrolled.

An act supplementary to the act entitled an act to incorporate the city of Mobile, passed the 17th December, 1819.

An act declaring that part of Limestone, leading from Mooresville to the Tennessee river a public highway, and for other purposes.

An act for the relief of certain lessees of school lands in Madison county.

An act to incorporate the trustees of the Solemn Grove Academy, in the county of Monroe.

An act to incorporate the town of Washington, in Autauga county.

Mr. Casey laid before the Senate, the report of the Adjutant General of the State of Alabama. On motion of Mr. Rose, ordered that said report lie on the table.

A bill to be entitled an act making it the duty of the comptroller to issue printed warrants, was read the first time, on motion of Mr. Hogg, the rule requiring all bills and joint resolutions to be read on three several days, was dispensed with, and said bill was read a second and third time, and passed.

The Senate then adjourned until to-morrow morning, at 10 o'clock.

Thursday, December 14, 1820.

Mr. Hogg moved that the Senate recede from their disagreement to the amendments made by the House of Representatives to the bill to be entitled an act to amend an act, passed December 23d 1815, fixing a standard for measures. On motion of Mr. Hogg, that the Senate concur in the amendments of the House of Representatives to said bill, and the question being taken therein, it was decided in the affirmative. On motion of Mr. Casey, the report of the Adjutant General, was taken up and read.

To the honorable the President and Gentlemen of the Senate of the State of Alabama, I have the honor herewith to transmit to your honorable body an abstract of the strength and condition of the militia of this State, so far as returns have been made at my office.

Pursuant to instructions from his Excellency the acting Governor, I have issued orders to the Colonels Commandant of the several regiments requiring them to ascertain and return to me the strength and condition of the militia under their respective commands, by the first day of November last, nineteen returns only have been received, fourteen regiments and two battalions are yet to be heard from, this delay may be, and I am disposed to think that it is attributable rather to the difficulty of the communication, between the different parts of the State by mail, than any neglect or disobedience of orders. Should further returns be made before the adjournment of the General Assembly, I shall take the earliest opportunity of laying them before your honorable body. I have the honor to be yours, respectively, &c.

CARTER B. HARRISON,

December 11, 1820.

Adjutant General.

On motion of Mr. Chambers, according to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act

to raise a revenue, for the support of government, for the year 1821. Mr. Garth in the chair, and after some time spent therein, the committee rose, and Mr. President resumed the chair, and Mr. Garth reported that the committee of whole had according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in.

Mr. Rose moved to amend said bill in the 3d section, by striking out the word 'twenty-five,' for the purpose of inserting a larger number, and the question being taken thereon, it was decided in the negative. The yeas and nays being desired, those who voted in the negative are Messrs. President, Davis, Farmer, Garth, Gause, Gaines, Hanby, Harwell, Herbert, Metcalf, Ringgold, Seabury, Terrel, Trotter, and Watkins, 15. Those who voted in the affirmative, are Messrs. Casey, Connor, Hodges, Hogg, Rose, Sims, and Ware, 7.

Mr. Rose moved to amend said bill by striking out the whole of the fourth section, in these words, and be it further enacted, that on every original writ, and subpoena, in Chancery there shall be paid at the time of taking out the same, to the Clerks of the Circuit Courts in each and every county the sum of fifty cents, and on every writ of error and appeal one dollar, and it shall be the duty of the clerks aforesaid, respectively to make a return of the same and pay over the money thus collected to the tax collectors of their respective counties, on or before the day on which the said tax collectors may be required to settle their accounts with the Treasurer of this State, and the question being taken thereon it was decided in the negative. The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Casey, Gaines, Hanby, Rose, Terrel, Watkins and Ware, 8. Those who voted in the negative, are Messrs. Chambers, Connor, Davis, Farmer, Garth, Gaines, Harwell, Herbert, Hodges, Hogg, Metcalf, Seabury, Sims, and Trotter, 14.

Mr. Sims moved to amend said bill, in the 11th line of the 3d section, between the words, 'dollar' and 'for' by inserting 'Indians excepted,' and the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Garth, the rule which requires all bills and joint resolutions to be read on three several days, was dispensed with, and said bill was read a third time and passed.

A message from the House of Representatives, by Messrs. Armstrong, of Mobile, and Shackelford.

Mr. President and Gentlemen of the Senate,

The House of Representatives disagree to the amendments made by the Senate, to the bill to organize the militia of this State as follows: In striking out the word "not" at the end of the fourth section, in adding the proviso to the fifty third section, and they concur in the other amendments made by the Senate. And have passed an act, to amend an act, entitled an act, for the inspection of lumber and other articles therein named, passed at Huntsville on the 17th day of December, 1819, to which they desire your concurrence.

On motion of Mr. Rose, a bill to be entitled an act, to repeal in part and amend an act, to regulate the proceedings in the courts of law and equity in this State, was read a third time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to prevent obstructing or diverting from the natural channel, any water course which would otherwise flow through the land of any person, was read a second time, and ordered to be read a third time on to-morrow.

An act, to regulate proceedings in suits at common law, was read a second time, and ordered to be committed to a committee of the whole and made the order of the day on to-morrow.

A bill to be entitled an act, to reduce into one, the several acts concerning roads, bridges, ferries, and highways, was read the first time.

On motion of Mr. Watkins, the rule which requires all bills and joint resolutions to be read on three several days, was dispensed with, and said bill was read a second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

On motion of Mr. Sims, the gentlemen from Clarke county obtained leave of absence after to-morrow for the remainder of the Session.

On motion of Mr. Casey, the gentleman from Monroe, obtained leave of absence after to-morrow for the remainder of the Session.

On motion of Mr. Seabury, the gentleman from Baldwin, obtained leave of absence after to-morrow for the remainder of the Session.

An act, to authorise the Governor to pay to the Town Council of Cahawba, two thousand dollars, on account of the bridge which they are now building in the town of Cahawba, was read a third time and passed.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the resolutions authorising the State Treasurer to pay the expenses of the General Assembly in manner therein mentioned, and for other purposes, and found the same duly enrolled.

On motion of Mr. Terrel, the committee of the whole was discharged from the further consideration of a bill to provide for the facilitating the navigation of the water courses of the State of Alabama, and said bill was read a second time.

Mr. Chambers moved that said bill be indefinitely postponed, and the question being taken thereon, it was decided in the negative. The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Chambers, Connor, Davis, Gaines, Rose, Watkins, and Ware, 8. Those who voted in the negative, are Messrs. Casey, Farmer, Garth, Harby, Harwell, Herbert, Hodges, Hogg, Metcalf, Ringgold, Seabury, Sims, Terrel, and Trotter, 14.

Mr. Casey moved to amend said bill in the first section, by striking out, 'and roads' after the word courses, and the word 'named,' and the question being taken thereon, it was decided in the affirmative. On motion of Mr. Terrel, ordered that said bill be engrossed and read a third time on to-morrow.

Mr. President introduced the memorial of Samuel Haines; on motion of Mr. Davis said memorial was laid on the table.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the following bills and found the same duly enrolled.

A bill to be entitled an act, to repeal an act of the last General Assembly of the State of Alabama, entitled an act, for the encouragement of killing and destroying of wolves and panthers.

An act, making it the duty of the Comptroller to issue printed warrants.

A message from the acting Governor, by Thomas A. Rogers, Secretary of State.

Mr. President and Gentlemen of the Senate,

I am instructed by the acting Governor, to inform you, that he did on this day approve and sign a resolution authorising the State Treasurer to pay the expenses of the General Assembly, in manner therein mentioned, and for other purposes, which originated in this honourable body.

On motion of Mr. Seabury, the Senate according to order, resumed the consideration of a bill to be entitled an act, to apportion the Representatives among the several counties of this State, and to divide into senatorial districts, according to the returns of the census, was read a third time as amended, and passed.

On motion of Mr. Sims, ordered that the title of said bill be an act to apportion the Representatives among the several counties in this State.

The following message from the acting Governor, was communicated to both Houses of the General Assembly,

Gentlemen of the Senate and of the House of Representatives,

I transmit to the General Assembly, a statement of the sale of one hundred and ninety-one lots in this town, offered to the highest bidder during the second week of the last month, amounting to the sum of twenty-one thousand, seven hundred and twenty-seven dollars, of which five thousand, four hundred and thirty-one dollars, and seventy-five cents, being the one fourth part, was received at the time of sale.

The expenses of surveying, of sales, &c. as appears from the receipt of Willis Roberts, Matthew D. Thomason, and Benjamin Clements, were three hundred and seventy-six dollars, and seventy-five cents, leaving a balance of four thousand and fifty-five dollars, which has been paid to the State Treasurer, accompanied with a complete return of the lots sold with the price of each, and the name of the purchaser. Since my communication of Friday last, it has been made known to me, that the following vacancies exist in the county courts, in addition to those stated in the memorandum then furnished you, to wit: In the county of Clarke, by the non-acceptance of Samuel B. Shields, and Robertus Love, in the county of Conecuh, by the resignation of ——. And in Butler county, by the resignation of James Dunklin and John Coats.

December 11, 1820.

THOMAS BIBB.

On motion of Mr. Casey, the Senate resumed the consideration of a bill, to be entitled an act, to afford summary relief to persons purchasing lands of the United States. Mr. Casey moved to amend said bill, by striking out the second section, and insert in lieu thereof the following : *And be it further enacted*, That the production of the certificate, grant, or patent, on the part and behalf of the plaintiff, shall be sufficient evidence to authorise a recovery against the defendant, unless he satisfactorily proves a better right to the possession, cultivation, or occupancy of the lands in question. Mr. Sims moved that said bill be indefinitely postponed, and the question being taken thereon, it was decided in the affirmative. The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Connor, Davis, Farmer, Garth, Gaines, Hanby, Hodges, Hogg, Metcalf, Ringgold, Sims, Terrel and Ware, 14. Those who voted in the negative, are Messrs. Casey, Gause, Harwell, Herbert, Rose, Seabury, Trotter and Watkins, 8.

A message from the House of Representatives, by Messrs. Weedon and Cleveland.

Mr. President,

The House of Representatives have read the third time, and passed a bill, entitled an act, for the collection of monies due the State, and for other purposes, originating in the Senate, and have made an amendment thereto, by striking out the words "the duty of," in the 4th section. They have also passed the following bills entitled, to wit : An act, to establish a State University ; An act, for the relief of securities ; and, An act, to alter the mode of collecting the Revenue of this State ; in which they desire your concurrence.

The Senate then adjourned till ten o'clock to-morrow morning.

Friday, December 15, 1820.

Mr. Gause presented the petition of sundry inhabitants of Montgomery county, praying that a law may be passed, to authorise Edward Ballard to build a toll bridge in said county. Ordered that said petition lie on the table.

Mr. Trotter from the committee on propositions and grievances, to whom the memorial of Chesley B. Rountree, reported a bill, to be entitled an act, for the relief of Chesley B. Rountree, which was read the first time. On motion of Mr. Davis, said bill was postponed until the first Monday in November next.

A bill to be entitled an act, for the inspection of lumber, and other articles therein named, passed at Huntsville on the 17th December, 1819, was read the first time.

On motion of Mr. Seabury, the rule requiring all bills and joint resolutions, to be read on three several days, was dispensed with, and said bill was read a second time by its caption, and on motion of Mr. Seabury, ordered that said bill be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, for the relief of securities, was read the first time. On motion of Mr. Seabury, the rule requiring all bills to

be read on three several days, be dispensed with ; and said bill was read a second time by its caption. On motion of Mr. Chambers ordered that said bill be committed to a committee of the whole, and made the order of the day on to morrow.

A bill to be entitled an act to establish a State University, was read the first time. On motion of Mr. Casey, the rule which requires all bills to be read on three several days, be dispensed with, and said bill was read a second time by its caption.

On motion of Mr. Rose, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to establish a State University, Mr. Watkins in the chair ; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same as amended. On motion, ordered that said report lie on the table.

Message from the House of Representatives, by Messrs. Moore, of Madison, and Cleveland.

Mr. President and Gentlemen of the Senate,

The House of Representatives have passed the following bills :

A bill to be entitled an act concerning writs of error.

A bill to be entitled an act, to establish the seat of justice in the county of Blount, and for other purposes, were severally read the first time. On motion of Mr. Davis, the rule which requires all bills, and joint resolutions, to be read on three several days, be dispensed with, and ordered to be read a second time by the captions, and be made the order of the day for a third reading on to-morrow.

A bill to be entitled an act, to fix the time for convening the General Assembly of the State of Alabama, was read the first time.

On motion of Mr. Garth, the rule which requires all bills to be read on three several days was dispensed with, and read a second time by its caption. On motion, the rule was dispensed with which requires all bills to be read on three several days, and said bill was read a third time, and ordered to lie on the table.

A bill to be entitled an act, to alter the boundaries of certain counties therein mentioned, was read the first time, and ordered to be read a second time on to-morrow.

The Senate resumed the consideration of the message from the House of Representatives disagreeing to the amendment made by the Senate in the 11th line of the third section, of an act, to raise a revenue for the support of government for the year 1821, by inserting between the words "tax" and "for" these words, "and all other free male persons over twenty-one and under forty-five, one dollar, indians excepted," and they concur with the other amendments made by the Senate to said bill.

Mr. Sims moved that the Senate recede from said amendment ; and the question being taken thereon, it was decided in the affirmative.

The House of Representatives have passed the bill entitled an act, to establish a seat on a site for the seat of justice in Wilcox county, and have amended the same by adding thereto an additional section,

to which they desire your concurrence. On motion of Mr. Casey, the Senate concurred in said amendment.

The House of Representatives have passed the bill entitled an act, defining the boundaries of Marion county, with the following amendments at the end of the second section, insert not exceeding three miles in each direction from the centre, and the said commissioners are hereby authorised to fix on the temporary site for holding the courts in said county, in which county an election precinct is hereby fixed at the house of William Davis, on the Sepsey fork of the Butta-hatchee river, and one precinct at the house of Joel Dixon, on the head of Sacksapililah, they have added to the last section, these words, the temporary site for holding the courts in said county, shall be at the house of Jacob Dansby; an election precinct is established at Mullen, on the road from Columbus to the Falls of the Warrior, one at James Hepelens, and one at the residence of Ezekiel Nash, to which they desire your concurrence. Mr. Terrell moved, that the Senate concur in said amendments; and the question being taken thereon, it was decided in the affirmative.

On motion of Mr. Chambers the Senate, according to order, resolved itself into a committee of the whole, on a bill to be entitled an act, to repeal in part, and amend an act, to regulate the proceedings in the courts of law and equity in this State, Mr. Garth in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Garth reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same without amendment, which report was concurred in. Mr. Chambers moved to postpone said bill till the first Monday in November next, and the question being taken thereon it was decided in the negative. The yeas and nays being desired, those who voted in the negative, are Messrs. President, Casey, Connor, Davis, Farmer, Garth, Gause, Harwell, Herbert, Seabury, Sims and Watkins, 12. Those who voted in the affirmative, are Messrs. Chambers, Gaines, Hanby, Hodges, Hogg, Metcalf, Ringgold, Rose, Terrel, Trotter and Ware, 11. On motion of Mr. Garth, said bill was ordered to lie on the table.

A message from the House of Representatives, by Mr. Chapman.

Mr. President,

The House of Representatives have passed a bill, to be entitled an act, to establish the seat of justice in the county of Montgomery, which originated in the Senate, and have said bill in the first section, by adding, the word temporary after the, in the last sentence, to which they desire your concurrence. On motion of Mr. Gause, the Senate concurred in said amendment. Ordered that the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act, to alter the mode of collecting the revenue of this State, was read the first time.

On motion of Mr. Ringgold, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read a second time by its caption. On motion of Mr. Casey, ordered that

said bill be committed to a committee of the whole and made the order of the day on to-morrow.

A message from the House of Representatives by Messrs. Murphey, and Moore, of Madison.

Mr. President,

The House of Representatives have passed the bill, entitled an act, to alter and extend the boundaries of the county of Baldwin, and for other purposes, with amendments. In the seventh section and second line, after the word "that" they have added these words "it shall be the duty of the sheriff and clerks of the circuit and county courts, or persons now exercising the duties of those offices, to remove within the limits of Baldwin county, as now established by this act, on or before the first day of January next; and in removing into the county as aforesaid, it shall be their duty to give notice of the same to the persons authorised to hold an election under the provisions of this act, and if they fail so to do, then and in that case." In the same section, and fourth line, they have stricken out the words "first Tuesday in March," and inserted "second Monday in January;" they have further amended said bill, by adding two additional sections; to which amendment they ask the concurrence of the Senate. On motion of Mr. Seabury, the Senate concurred in said amendments. Ordered that the Secretary acquaint the House of Representatives thereof.

The House of Representatives have concurred in the amendment made to the bill to be entitled an act, to apportion the Representatives among the several counties of this State, and to divide the State into senatorial districts, according to the returns of the late census, in striking out in the first section after the word "Bibb," the word "one," and insert in lieu thereof the word "two" they disagree to the amendment in the second section of said bill, and also to the amendment to the title of said bill. Mr. Casey moved that the Senate insist to the amendment in striking out the second section of said bill, and the question being taken thereon, it was decided in the affirmative. Mr. Sims moved that the Senate insist to the amendment made to the title of said bill, and the question being taken thereon, it was decided in the affirmative. Ordered that the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act concerning the appointment of county officers, was read the first time, and ordered to be read a second time on to-morrow.

On motion of Mr. Rose, the Senate resumed the consideration of the amendments proposed by the Senate to the bill, to be entitled an act, to organize the militia of this State. On motion of Mr. Rose the Senate receded from the amendment added as a proviso to the end of said bill. Mr. Rose moved that the Senate insist to the amendment made at the close of the fourth section of said bill, by striking out the word "not," and the question being taken thereon it was decided in the affirmative.

Mr. Gause from the committee of enrolled bills, reported that the committee had examined the following bills, and found the same duly enrolled.

A resolution providing for the preservation of the State Records ; An act, to cede to the United States the jurisdiction of this State, to certain land for the purpose therein mentioned ; and, An act to establish the seat of justice in the county of Montgomery.

A bill to be entitled an act to alter the boundaries of certain counties mentioned therein, was read the first time, and ordered to be read a second time on to-morrow. A bill to be entitled an act to prevent obstructing or diverting from the natural channel any water course which would otherwise flow through the land of any person. A bill to fix the seat of justice in the county of Lauderdale, were severally read a third time and passed.

A bill to be entitled an act to provide for facilitating the navigation of the water courses of the state of Alabama, was read a third time. On motion, ordered to be re-committed to a committee of the whole on to-morrow.

Message from the House of Representatives, by Messrs. Perry and Rather. *Mr. President*,---The House of Representatives have passed the following bills: A bill to be entitled an act to incorporate the subscribers to the Bank of the State of Alabama. A bill to be entitled an act concerning executions, and sales by sheriffs and other officers. A bill to be entitled an act to authorise persons who have settled on the sixteenth section in each township to remove mill works or machinery, and for other purposes, were severally read the first time, and ordered to be read a second time on to-morrow. A bill to be entitled an act to incorporate the town of Erie, in the county of Greene, was read the first time.

On motion of Mr. Ringgold, the rule requiring all bills to be read on three several days. was dispensed with, and said bill was read a second time by its caption. Ordered. that said bill be read a third time on to-morrow. A bill to be entitled an act to indemnify Jack F. Ross, was read the first time. On motion, the rule which requires all bills to be read on three several days, was dispensed with, and said bill was read a second time by its caption, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

The senate resumed the consideration of the amendments made by the House of Representatives to a bill entitled an act to fix the seats of justice in the counties of St. Clair and Perry, and for other purposes. They have amended said bill by adding a section thereto, to which they desire your concurrence. On motion of Mr. Casey the senate concurred in the amendment.

According to order the Senate resolved itself into a committee of the whole on a bill to provide for digesting the laws of Alabama, Mr. Farmer in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Farmer reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which was severally read and concurred in. On motion of Mr. Chambers, *Ordered*, That said bill be engrossed and read a third time on to-morrow.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act to provide for assessing and collecting the taxes, and for taking the census of this state, Mr. Casey in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave sit again, which was granted.

A bill to be entitled an act to apportion the Representatives among the several counties in the state, and to divide the state into senatorial districts; a bill authorising the sale of college lands, and for other purposes; and a bill to be entitled an act repealing a part of the 28th section of an act to regulate the proceedings in the Courts of Law and Equity in this state,---were, on motion, ordered to lie on the table.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act declaring certain rivers therein named to be public highways, Mr. Watkins in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Watkins reported, that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was refused. On motion of Mr. Garth said bill was postponed till the first day of January next.

On motion of Mr. Watkins the committee of the whole was discharged from the further consideration of a resolution for the relief of the collector of taxes in Monroe county. On motion of Mr. Watkins, *Ordered*, That said resolution be engrossed and read a third time on to-morrow.

Mr. Gause, from the committee of enrolled bills, reported, that he had examined the following bills, and found the same duly enrolled: An act for the collection of monies due the state, and for other purposes; An act to amend an act passed December 23, 1815, fixing a standard for measures; and an act to authorise the Governor to pay the Town Council of Cahawba two thousand dollars on account of the bridge they are now building in the town of Cahawba.

The Senate adjourned until to-morrow morning ten o'clock.

Saturday, Dec. 16, 1820.

A bill to be entitled an act to alter the boundaries of certain counties therein mentioned, was read a second time; on motion of Mr. Sims ordered to lie on the table.

A bill to be entitled an act concerning the appointment of county officers was read a second time, and ordered to be read a third time on Monday next.

A bill to be entitled an act defining the duties of sheriffs and constables was read a second time; on motion of Mr. Hogg ordered to be committed to a committee of the whole, and made the order of this

day. A bill to be entitled an act to authorise Judges of the Circuit Courts and Justices of the County Courts to take the acknowledgment of deeds and relinquishments of dower, was read a 2d time, and ordered to be read a third time on Monday next. A bill to be entitled an act to provide for enclosing the public buildings in the town of Cahawba, and for other purposes, was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on Monday next. On motion of Mr. Seabury a bill to be entitled an act to incorporate the Aqueduct Company in the city of Mobile, was read a second time by its caption, and ordered to be read a third time on Monday next.

A bill to be entitled an act for the government of the town of Cahawba, passed at Huntsville, December 3, 1819, was read a second time; on motion of Mr. Casey, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said bill was read a third time and passed.

A bill to be entitled an act to authorise persons who have settled on the sixteenth section in each township, to remove mill works or machinery, and for other purposes, was read a second time and ordered to be read a third time on Monday next.

A bill to be entitled an act concerning executions and sales by sheriffs and other officers, was read a second time. On motion of Mr. Rose, ordered to be committed to a committee of the whole, and made the order of the day on Monday next.

On motion of Mr. Casey, a bill to be entitled an act to incorporate the subscribers to the Bank of the State of Alabama, was read a second time by its caption; on motion of Mr. Ringgold, ordered that said bill be committed to a committee of the whole, and made the order of this day.

A bill to be entitled an act for the relief of securities, was read a third a time and passed. On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of a bill to be entitled an act, giving jurisdiction over water courses. Mr. Garth moved to amend said bill by striking out the words 'civil or criminal,' and the question being taken thereon, it was decided in the affirmative. On motion of Mr. Garth, ordered that said bill be engrossed and read a third time on Monday next.

A bill to be entitled an act to establish a State University, was read a third time as amended, and passed. Ordered that the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to repeal in part and amend an act to regulate the proceedings in the courts of Law and Equity in this State, was read a third time, and the question being taken thereon, shall this bill pass, it was determined in the negative. The yeas and nays being desired, those who voted in the affirmative are Messrs. Casey, Davis, Farmer, Gause, Harwell, Herbert, Seabury, Trotter, Watkins, and Ware, 10. Those who voted in the negative, are Messrs. President, Connor, Garth, Gaines, Hanby, Hodges, Hogg, Metcalf, Ringgold, Sims, and Terrel, 11.

On motion of Mr. Hogg, the gentlemen from Mobile obtained leave of absence for the remainder of the session.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act to regulate proceedings in suits at common law, Mr. Seabury in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Seabury reported that the committee of the whole had, according to order, had said bill under consideration, and not having time to go through with the same, had directed him to report progress, and ask leave to sit again, which was granted.

A message from the House of Representatives, by Messrs. McKinley, and Moore, of Madison.

Mr. President, and Gentlemen of the Senate.---The House of Representatives insist on their disagreement to the amendment made by the Senate, in the fourth section of a bill to organize the militia of this State, in striking out the word 'not' when it occurs in these words, 'shall not be vacated thereby.' They adhere to their disagreement to the amendment made by the Senate, in striking out the second section of the bill entitled an act to apportion the Representatives among the several counties of this State, and to divide the State into senatorial districts, according to the returns of the late census; they also adhere to their disagreement to the amendment made by the Senate to the title of said bill. The House of Representatives have also passed a resolution assigning certain rooms of the State House to the use of the Comptroller of public accounts and State Treasurer.

An act to establish a public road from the southern boundary line of township eight, in range four or five west of the basis meridian of Huntsville, to the falls of Tuskaloosa.

An act giving jurisdiction to the Courts of certain counties; which bills originated in the Senate.

They have passed a bill to be entitled an act, to incorporate the Flint river navigation company.

A bill to be entitled an act, to amend an act, passed at Huntsville on the 13th of November, 1819, incorporating the town of Triana; and

A bill, to be entitled an act, for the relief of James Ham, to which they desire your concurrence.

According to order the Senate resolved itself into a committee of the whole on a resolution appointing commissions to review and mark out a road from the military crossing of the Buttahatchee river, to the Falls of Tuskaloosa, Mr. Casey in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said resolution under consideration, and had directed him to report the same without amendment, which was concurred in by the Senate.

On motion of Mr. Terrel, said resolution was ordered to be engrossed for a third reading on to-day.

On motion of Mr. Casey, the gentleman from Limestone obtained leave of absence after this day for the remainder of the Session.

According to order, the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to reduce into one the several, acts concerning roads, bridges, ferries, and highways, Mr. Terrel in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Terrel reported, that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in.

A message from the acting Governor by Thomas A. Rogers, Secretary of State.

Mr. President and Gentlemen of the Senate,

I am instructed by the acting Governor, to inform you, that he did on this day approve and sign an act to establish the seat of justice in the county of Montgomery; an act to amend an act passed December 23, fixing a standard for measures; a resolution providing for the preservation of the State Records; an act for the collection of monies due the State, and for other purposes; and an act to cede to the United States the jurisdiction of this State, to certain lands, for the purposes therein mentioned.

Message from the House of Representatives, by Mr. Creagh.

Mr. President and Gentlemen of the Senate,

The House of Representatives concur with the Senate in striking out the second section of the bill to establish a State university. They have passed an act to establish certain election precincts therein named, and for other purposes, which bill was read the first time. On motion of Mr. Casey, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said bill was read a second time. Mr. Garth moved to amend said bill in the second section, in the second line, by striking out the words "only three," and insert in lieu thereof "four," and in the same section, 4th line, by inserting after the word Wallis, Centerville, and the question being taken thereon, it was decided in the affirmative.

A bill to be entitled an act amendatory to an act entitled an act to establish a public road therein named, was read a third time and passed. Ordered that the title of said bill be An act amendatory to an act entitled an act to establish a public road therein named.

Mr. Seabury moved the following resolution, which was adopted: *Resolved*,--That the senate will, with the concurrence of the House of Representatives, meet them in the chamber of the representatives, at the hour of seven o'clock this evening, for the purpose of electing judges of the county courts of such counties as may have become vacant.

A bill to be entitled an act to fix the seat of justice in Blount county, and for other purposes, was read a third time and passed. A bill to be entitled an act to extend the boundaries of Jefferson county, and for other purposes, was read the first time. On motion of Mr. Connor said bill was postponed till the first day of January next.

Message from the House of Representatives by Messrs. M'Kinley and Moore of Madison. *Mr. President*,--The House of Representatives have passed the bill entitled an act authorising a lottery for the

benefit of the navigation of the Buttahatchee River, and have amended the same by adding to the end of the first section the following proviso: Provided always, that the navigation of said river shall in no wise affect private property without just compensation being made therefor, which compensation shall always be ascertained by a jury, according to the existing laws regulating the erection of mill-dams.

On motion of Mr. Garth the Senate concurred in said amendment. *Ordered*, That the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to authorise the Governor to sell certain lots on the public lands east of Alabama-river, and opposite the town of Cahawba, was read a third time and passed. On motion of Mr. Sims, *Ordered*, That the title of said bill be, An act to authorise the Governor to sell lots on the public lands east of the Alabama river and opposite the town of Cahawba.

A bill to be entitled an act to amend an act entitled an act for the inspection of lumber, and other articles therein named, passed at Huntsville on the 17th December, 1819; and a bill to be entitled an act to provide for facilitating the navigation of the water courses of the State of Alabama,---were ordered to lie on the table.

A bill to be entitled an act for the relief of James Ham, was read the first time, and ordered to be read a second time on Monday next.

A bill to be entitled an act to amend an act, passed at Huntsville, 13th November, 1819, incorporating the town of Triana, and a bill to be entitled an act to incorporate the Flint River Navigation Company, were severally read the first time.

On motion of Mr. Ringgold, the rule which requires all bills to be read on three several days be dispensed with, and said bills were severally read a second time by their captions, and ordered to be read a third time on Monday next.

A resolution appointing commissioners to review and mark out a road from the military crossing of the Buttahatchee river to the fall of Tuskaloosa was read a third time and passed.

According to order the Senate resolved itself into a committee of the whole on a bill to be entitled an act to incorporate the subscribers to the Bank of the State of Alabama, Mr. Davis in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Davis reported that the committee of the whole had, according to order, had said bill under consideration, and had directed him to report the same with sundry amendments.

Mr. Garth moved that the question be taken on concurring in the first amendment made in the committee of the whole, by striking out these words in the 9th section, "that no stockholder shall be appointed director on the part of the State," and the question being taken thereon, it was decided in the affirmative; the yeas and nays being desired, those who voted in the affirmative, are Messrs. President, Casey, Connor, Davis, Farmer, Gause, Herbert, Hodges, Hogg, Metcalf, Ringgold, Rose, Seabury, Sims, Trotter, and Ware, 16. Those who voted in the negative, are Messrs. Garth, Gaines, and Terrel, 3.

The question being taken, on concurring with the other amendments made in committee of the whole, and it was decided in the affirmative. Mr. Garth moved to amend said bill in the thirteenth section, by striking out 'all' after the word 'character' to the credit of their stock therein subscribed, and the question being taken thereon it was decided in the negative; the yeas and nays being desired, those who voted in the affirmative are Messrs. Garth, Hogg, Metcalf, Ringgold, and Terrel, 5. Those who voted in the negative are Messrs. President, Casey, Connor, Davis, Farmer, Gause, Gaines, Herbert, Hodges, Seabury, Sims, Trotter, and Ware, 13.

Mr. Garth moved to amend said bill by adding the following: that no officer of state government shall be a director, nor shall any stockholder be a member of either branch of the General Assembly, and the question being taken thereon it was decided in the negative; the yeas and nays being desired, those who voted in the affirmative, are Messrs. President, Garth, Metcalf, and Terrel, 4. Those who voted in the negative, are Messrs. Casey, Connor, Davis, Farmer, Gause, Gaines, Herbert, Hodges, Hogg, Ringgold, Rose, Seabury, Sims, Trotter, and Ware, 15. Mr. Casey, moved to amend said bill in the 13th section, and last line, by striking out 'charter' and the word 'credit,' and insert in lieu thereof, 'character' and 'amount,' and the question being taken thereon, it was decided in the affirmative.

Mr. Gause, from the Committee of Enrolled Bills, reported, that the committee had examined the following bills, and found the same duly enrolled:

An act for the relief of securities; An act to prevent obstructing or diverting from the natural channel any water course which would otherwise flow through the land of any person; An act to amend an act entitled an act for the government of the town of Cahawba, passed at Huntsville December 3, 1819.

Mr. Terrel asked and obtained leave of absence of the gentlemen from Lawrence county for the remainder of the session.

Mr. Garth moved the following resolution, which was granted: *Resolved*, That all business shall be taken up in order; and no gentleman shall make a motion to call up any bill, but they shall be taken up by the chair in rotation.

On motion the committee of the whole was discharged from the further consideration of a bill to be entitled an act giving jurisdiction over water courses. *Ordered*, That said bill be engrossed and read a third time on Monday next.

On motion of Mr. Casey the committee of the whole was discharged from the further consideration of a bill to be entitled an act to indemnify Jack F. Ross; and said bill was read a third time and passed.

A bill to be entitled an act to provide for digesting the laws of Alabama, was read a third time and passed. *Ordered*, That the title of said bill be an act to provide for digesting the laws of Alabama.

Resolution for the relief of the collector of taxes of Monroe county, was read a third time and passed.

A message from the House of Representatives, by Messrs. Perkins and M'Means.

Mr. President and Gentlemen of the Senate,---The House of Representatives have passed the following bills :

A bill to be entitled an act to incorporate the Indian Creek Navigation Company; An act for the relief of the tax collector of Lauderdale county, and for other purposes; A resolution to authorise the payment of Daniel Rather, as Gaoler of Madison county; An act to authorise the persons therein named to sell and transfer certain certificates of land; they have also concurred with the Senate in the resolution proposing the election of county officers, and will, agreeably thereto, receive the Senate at the hour of seven o'clock for that purpose.

A bill to be entitled an act to apportion the Representatives among the several counties of the state, and to divide them into senatorial districts according to the returns of the last census, was ordered to lie on the table.

On motion of Mr. Rose the Senate receded from the amendment made in the fourth section of the bill to organize the militia of this state, by striking out the word "not." *Ordered*, That the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to incorporate the town of Erie, in the county of Greene, was read a third time and passed.

A message from the House of Representatives, by Mr. Perkins.

Mr. President,---The House of Representatives are ready to receive the Senate in their chamber, for the purpose of proceeding to the election of Justices of the County Court, in the several counties in which vacancies have occurred, or in which no Justices have heretofore been elected. Whereupon the members of the Senate repaired to the Representative chamber, and proceeded to the election.

There being three vacancies in the County Court of Mobile, Nicholas Pope, William ———, and Philip M'Closky, were nominated; the election being conducted *viva voce*, all the members present voting for them, the Speaker announced them duly elected.

There being four vacancies in the county of Baldwin, Lud Harris, James W. Peters, William Cooledge, and Henry Wheat were nominated; and all the members present voting for them, the Speaker announced them duly elected.

There being two vacancies in the county of Clarke, Jameson Andrews and William L. Paris were nominated; and all the members present voting for them, the Speaker announced them duly elected.

There being one vacancy in the county of Washington, William Shaw was nominated, and all the members present voting for him, the speaker announced him duly elected.

There being three vacancies in the county of Monroe, Samuel Fee, James Pickens and Benjamin Evans were nominated; and all the members present voting for them, the speaker announced them duly elected.

There being one vacancy in the county court of Conecuh, Andrew Jones was nominated; and all the members present voting for him, the speaker announced him duly elected,

There being two vacancies in the county of Butler, James Lane and John Coleman were nominated; and all the members present voting for them, the speaker announced them duly elected.

There being one vacancy in the county of Wilcox, James A. Jack was nominated, and all the members present voting for him, the speaker announced him duly elected.

There being two vacancies in the county of Marengo, Shelby Corzene and Isaac C. Perkins were nominated; and all the members present voting for them, the speaker announced them duly elected.

There being one vacancy in the county of Greene, Louis Stevens was nominated; and all the members present voting for him, the speaker announced him duly elected.

There being one vacancy in the county of Perry, James L. Baird was nominated; all the members present voting for him, the speaker announced him duly elected.

There being one vacancy in the county of Dallas, David M'Cord and Oliver C. Brooks, were nominated. Those who voted for David M'Cord, are Messrs. Casey, Davis, Farmer, Garth, Gause, Gaines, Hanby, Herbert, Hodges, Hogg, Metcalf, Ringgold, Rose, Seabury, Sims, Terrel and Trotter, of the Senate, Mr. Speaker, Abercrombie, Armstrong of Conecuh, Bigham, Benson, Bailey, Isaac Brown, John Brown, Col. John Brown, Clay, Creagh, Cook, Coats, Dale, Doxy, Davis, Duke, Edmundson, Evans, Fitzpatrick of Montgomery, Fitzpatrick of Autauga, Hill, Holderness, Leake, M'Kinley, Moore, of Madison, Morton, Murrell, M'Vay, Perry, Rather, Shackelford, Sergeant, Tagert, Vining and Walker, 53. Those who voted for Mr. Oliver C. Brooks, are Messrs. President, M'Means, Moore of Marion, and Perkins, 4. Whereupon the speaker announced David M'Cord duly elected.

There being three vacancies in the county of Autauga, John Matthews, Jordon Abbot, and John G. Graham, were nominated; all the members present voting for them, the Speaker announced them duly elected.

There being three vacancies in the county of Montgomery, William Laprade, James M'Lemore, and William Graham were nominated, all the members present voting for them, the speaker announced them duly elected.

There being three vacancies in the county of Bibb, Samuel W. Davidson, Charles A. Dennis, and A. M. Lusk were nominated, all the members present voting for them, the speaker announced them duly elected.

There being five vacancies in the county of Jefferson, there being no justices heretofore elected for that county, Thomas Owen, William Rupe, Washington Allen, Darby Henly, and Moses Ayres were nominated; all the members present voting for them, the Speaker announced them duly elected.

There being one vacancy in the county of Colaco, William Preddy was nominated; all the members present voting for him, the Speaker announced him duly elected.

There being four vacancies in the county of Marion, John D. Terrel, Samuel Beene, Jabez Fitzgerald, and George White were nominated; all the members present voting for them, the Speaker announced them duly elected.

There being one vacancy in the county of Lawrance, Beverly Reese was nominated; all the members present voting for him, the Speaker announced him duly elected.

There being one vacancy in the county of Lauderdale, James Files was nominated; all the members present voting for him, the speaker announced him duly elected.

There being one vacancy in the county of Limestone, James B. Lockhart was nominated, all the members present voting for him, the speaker announced him duly elected.

The two houses then proceeded to elect justices for the county of Pickens, Jacob Dansby, Solomon Marshall, Thomas Shannon, James Newman, and Ezekiel Nash, were nominated; all the members present voting for them, the speaker announced them duly elected.

The Senate then adjourned until 10 o'clock on Monday morning next.

Monday, 18th December, 1820.

Mr. Gause, from the committee of Enrolled Bills, reported that the committee had examined the following bills, and found the same duly enrolled. An act to fix the seats of justice permanently in the counties of St. Clair and Perry, and for other purposes. A resolution assigning certain rooms of the state house to the use of the Comptroller of public Accounts and State Treasurer. An act to establish and fix on a site for the seat of justice in Wilcox county. An act to establish a public road from the southern boundary line of township eight, range four or five, west of the basis meridian of Huntsville to the falls of Tuskaloosa.

The senate resumed the consideration of a bill to be entitled an act to authorise the Governor, or person exercising that office, to remit any part of any fine or sentence of imprisonment. Mr. Ringgold moved to amend said bill by striking out in the first section in the fifth line, after the word 'imprisonment,' the remainder of the section, and the question being taken thereon, it was decided in the negative: the yeas and nays being desired, those who voted in the affirmative are Messrs. President, Farmer, Gause, Hanby, Hodges, Hogg, Ringgold and Rose---8. Those who voted in the negative are, Messrs. Casey, Connor, Davis, Garth, Gaines, Herbert, Metcalf, Sims, Terrel, Trotter and Ware---11.

On motion of Mr. Rose, the gentleman from Blount was permitted to insert his name on the journal with the following amendments proposed by Mr. Garth to the bill to be entitled, An act to incorporate the subscribers to the Bank of the State of Alabama, the first, by striking out the words in the ninth section "That no stockholder shall be appointed a director on the part of the state," Mr. Hanby being called, voted in the affirmative. Mr. Garth further moved to amend said bill by adding the following amendment, that no officer of state government shall be a director, nor shall any stockholder be a member of

either branch of the legislature, and Mr. Hanby being called, voted in the affirmative on said question.

Message from the House of Representatives by Mr. Walker.

Mr. President.—The House of Representatives have passed an act to authorise the County Court of Montgomery County to levy a tax for county purposes. An act for the relief of Elijah Lawler. An act to incorporate the town of Elyton in the county of Jefferson. Resolution authorising the payment of Chapley R. Wilbourn. An act to regulate registering certain deeds or conveyances of land in this state. Resolution authorising the Comptroller to receive all monies and notes arising from the rents of the Seminary Lands, and a resolution for the relief of the collectors of taxes of Monroe County. A bill to be entitled an act to incorporate the town of Elyton, in the county of Jefferson. A bill to be entitled an act to regulate registering certain deeds of conveyances of land in this state. Resolution authorising the Comptroller to receive all monies and notes arising from the rents of the Seminary Lands, were severally read a third time.

On motion, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said bills were severally read a second time, and ordered to be read a third time on to-morrow.

A bill to be entitled an act to authorise the County Court of Montgomery county to levy a tax for county purposes, which was read the first time. On motion of Mr. Gause said bill was indefinitely postponed.

A bill to be entitled an act for the relief of Elijah Lawler was read the first time.

On motion of Mr. Hogg the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time, and ordered to lie on the table.

Resolution authorising the payment of Chapley R. Wilbourn, was read the first time, and the rule which requires all bills to be read on three several days was dispensed with, and said resolution was read a second time. On motion, ordered to lie on the table.

Mr. Gause, from the committee of Enrolled Bills, reported that the committee of Enrolled Bills had examined the following bills, and found the same duly enrolled. An act to establish a State University. An act to fix the seat of justice in the county of Lauderdale.

A message from the House of Representatives by Messrs. Moore of Madison, and Clay. *Mr. President.*—The House of Representatives have passed a bill entitled an act to incorporate the town of Ococoposa, in the county of Franklin, and they have amended the same by adding an additional section, and have amended the title by adding the words, and for other purposes. An act to authorise the payment of sixty dollars to Samuel Dale. An act to incorporate the lower part of Tuskalooza.

On motion the Senate concurred in the amendments of the House of Representatives, to the bill entitled an act, to incorporate the town of Ococoposo, in the county of Franklin.

A bill to be entitled an act to incorporate the lower part of Tuskalooza was read the first time. On motion of Mr. Hogg the rule which

requires all bills to be read on three several days was dispensed with, and said bill was read a second time. On motion of Mr. Hogg the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a third time and passed.

A bill to be entitled an act to authorise the payment of sixty dollars to Samuel Dale was read the first time. On motion of Mr. Ringgold the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time, and ordered to be read a third time on to-morrow.

On motion of Mr. Sims a committee of conference was appointed on the part of the Senate to confer with such committee as may be appointed on the part of the house of representatives on the disagreement of the two houses to the bill to apportion the representatives, and to divide the state into senatorial districts, and have appointed on the part of the senate Messrs. Sims, Terrel, Casey and Hogg. Ordered, that the Secretary acquaint the house of representatives thereof.

A message from the house of representatives by Mr. Perry: *Mr. President*, the house of representatives have passed the following bills --- A bill to be entitled an act to lay a tax on the inhabitants of Washington county, which was read the first time, and on motion of Mr. Trotter, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time, and committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act to repeal so much of an act entitled an act to raise a revenue for the support of government for the year 1821, as imposes a double tax for failing to give in a list of taxable property before the time expired by said act, was read the first time. On motion of Mr. Davis, the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time; on motion of Mr. Casey said bill was postponed till the first Monday in November next. The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Casey, Connor, Farmer, Garth, Herbert, Hodges, Hogg, Metcalf, Ringgold, Rose, Terrel, Trotter and Ware---14. Those who voted in the negative, are Messrs. Davis, Gause, Gaines, Hanby and Sims---5.

A bill to be entitled an act to alter and regulate the times of certain Circuit Courts in this State.

A bill to be entitled an act granting to John Fowler the right of running a steam ferry boat, between the city of Mobile, and the town of Blakeley, which were severally read the first time, and the rule which requires all bills to be read on three several days was dispensed with, and said bill was severally read a second time, and ordered to lie on the table.

A bill to be entitled an act supplementary to the laws now in force, concerning wills, intestates, and guardians; and a bill to be entitled an act prescribing the mode of making out and authenticating accounts against this State, were severally read the first time, and the rule

which requires all bills to be read on three several days was dispensed with, and said bills were read a second time, and ordered to be read a third time on to-morrow.

A message from the House of Representatives by Mr. Perry.

Mr. President, The House of Representatives concur in the Message of the Senate, to appoint a committee of conference on the disagreement of the two houses, on the bill to apportion the Representatives, and to divide the State into senatorial districts, according to the returns of the late census, and have appointed as a committee on their part, Messrs. M'Kinley, Armstrong of Mobile, Cook, Evans, Walker, Abercrombie, and Morton.

Mr. President, The House of Representatives have passed a bill to be entitled an act concerning free negroes and Mulattoes, was read the first time, and ordered to be read a second time on to-morrow.

Mr. Sims moved a reconsideration of the bill to be entitled an act to extend the boundaries of Jefferson county, and for other purposes, and the question being taken thereon, it was decided in the affirmative. On motion of *Mr. Sims*, said bill was read a second time, and ordered to be read a third time on to-morrow.

A bill requiring the Sheriffs of the several counties in this State to hold a poll to ascertain the sense of the people, as to the mode of voting at elections, which was read the first time, and the rule which requires all bills to be read on three several days was dispensed with, and read a second time. *Mr. Rose* moved to postpone said bill indefinitely; and the question being taken thereon, it was decided in the affirmative. The yeas and nays being desired, those who voted in the affirmative are Messrs. President, Casey, Farmer, Gause, Herbert, Hogg, Rose, Terrel, Trotter, and Ware, 10. Those who voted in the negative are, Messrs. Connor, Davis, Garth, Gaines, Hanby, Metcalf, Ringgold, and Sims, 8.

A message from the House of Representatives, by Mr. M'Means.

Mr. President, The House of Representatives have passed a bill to be entitled an act, concerning free negroes, which was read the first time, *Mr. Ringgold* moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time forthwith by its caption, and the question being taken thereon, it was decided in the negative.

A bill for the relief of James Ham was read the second time; and on motion of *Mr. Sims*, said bill was indefinitely postponed.

According to order, the Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to provide for facilitating the navigation of the water courses of the State of Alabama, *Mr. Rose* in the chair; and after some time spent therein the committee rose, *Mr. President* resumed the chair, and *Mr. Rose* reported that the committee of the whole had, according to order, had said bill under consideration, and had made an amendment thereto, which was not concurred in. Said bill was then read the third time, and on the question, "shall said bill pass?" it was rejected.

A bill entitled an act, to authorize the persons therein named to

sell and transfer certain certificates of land, was read the first time. Mr. Sims moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time by its caption forthwith: said bill was then read the second time by its caption, and on motion ordered to be read a third time on to-morrow.

A bill to be entitled an act, to incorporate the Indian creek navigation company was read the first time; and on motion the rule which requires all bills to be read on three several days was dispensed with, and said bill was read a second time, and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

A bill to be entitled an act, to reduce into one the several acts concerning strays, was read the first time, and ordered to be read a second time to-morrow. A bill to be entitled an act, for the relief of the tax collectors was read the first time, and ordered to lie on the table.

A resolution to authorise the payment of Daniel Rather, as jailer of Madison county, was read the first time and ordered to lie on the table.

A message from the acting Governor by T. A. Rogers, secretary of state---*Mr. President*, I am instructed by the acting Governor, to inform you that he did on this day approve and sign an act to alter and extend the boundaries of Baldwin county, and for other purposes. An act to establish and fix a site for the seat of justice in Wilcox county. An act to establish a public road from the southern boundary line of township 8, in range 4 or 5 west of the basis meridian of Huntsville to the falls of Tuskaloosa. An act to fix the seat of justice permanently in the counties of St. Clair and Perry. A resolution assigning rooms in the State House to the Comptroller and State Treasurer, and an act authorising a lottery for the benefit of the navigation of Buttermatchee river, all which originated in this honorable body.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the following bills, and found the same duly enrolled. An act to indemnify Jack F. Ross, and an act to incorporate the town of Erie, in the county of Greene.

Resolution authorising the payment of Daniel Rather, Jailer of Madison county, was read the first time. On motion the rule which requires all bills and joint resolutions to be read on three several days, was dispensed with, and said resolution was read a second time, and ordered to lie on the table. A bill for the relief of the tax collector, was read the first time, and ordered to lie on the table. Mr. Gause from the committee on enrolled bills, reported that they had examined the following bills, and found the same duly enrolled:

A resolution for the relief of the tax collector of Monroe county. A bill to be entitled an act to establish the seat of justice in Blount county, and for other purposes. A bill to repeal a part of the revenue law, was read the first time. On motion, ordered, that the rule which requires all bills and joint resolutions to be read on three several days be dispensed with, and said bill was read a second time. On motion of Mr. Casey, said bill was postponed till the first Monday

in November next. A bill to alter and enlarge the terms of the Circuit Courts in this State, was read the first time. On motion, ordered, that the rule which require all bills and joint resolutions, to be read on three several days be dispensed with; and said bill was read a second time, and ordered to lie on the table. A bill to be entitled an act respecting wills, intestate estates, and guardians, was read the first time.

On motion the rule which requires all bills and joint resolutions to be read on three several days, was dispensed with, and said bill was read a second time and ordered to be read a third time on to-morrow.

A bill to be entitled act, concerning strays, was read the first time; and on motion, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said bill was read a second time, and ordered to a third reading on to-morrow.

The Senate then adjourned till to-morrow morning at 10 o'clock.

Tuesday, December 19, 1820.

The Senate met pursuant to adjournment.

Mr. Gause from the committee of enrolled bills, reported, that the committee had examined the following bills, and found them duly enrolled, to wit: An act, to incorporate the town of Ocochopo, in the county of Franklin; An act to vest certain lots in the Intendant and Council of the town of Cahawba, and for other purposes; An act appointing additional precincts for holding elections in the county of Bibb; An act for the government of the port and harbour of Blakeley; and an act giving jurisdiction to the courts of certain counties; which were accordingly signed by the President.

According to the order of the day the Senate resolved itself into a committee of the whole on a bill entitled an act repealing a part of the 28th section of an act to regulate proceedings in the Courts of Law and Equity in this state. Mr. Davis in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Davis reported, that the committee of the whole had, according to order, had said bill under consideration, and had made sundry amendments thereto; which were concurred in. On motion, Ordered, that said bill be engrossed for a third reading this day.

Mr. Gause, from the Committee on Enrolled Bills, reported, that the committee had examined the following bills, and found them duly enrolled: to wit.

An act to organize the militia of this state; An act to alter the boundaries of certain counties therein mentioned; An act to incorporate the lower part of the town of Tuscaloosa; and an act defining the boundaries of Marion county; which were signed by the President.

Message from the House of Representatives, by Messrs. Perry and Clay:

Mr. President---The House of Representatives have passed the following bills: to wit. An act amendatory of an act passed at Huntsville the 16th December, 1819, entitled an act to establish a public road therein named; An act supplementary to an act establishing the permanent seat of justice in Cahawba county, passed at Huntsville 17th December, 1819; A resolution appointing commissioners to re-

view and mark out a road from the military crossing of the Buttahache to the falls of Tuscaloosa; and an act to authorise the Governor to sell lots on the public lands east of Alabama river, and opposite the town of Cahawba; all of which bills originated in the Senate.

They have also passed a bill entitled an act to incorporate the town of Claiborne, in which they desire the concurrence of the Senate.

The bill entitled an act to incorporate the subscribers to the Bank of the State of Alabama was read the third time as amended; and on the question, "Shall said bill pass?" the ayes and nays being called for, it passed in the affirmative--Ayes 16, Nays 3. Those who voted in the affirmative are, Messrs. President, Casey, Connor, Davis, Farmer, Gause, Gaines, Hanby, Herbert, Hodges, Hogg, Ringgold, Rose, Sims, Trotter, and Ware; those who voted in the negative are, Messrs. Garth, Metcalf, and Terrel.

The following bills, &c. were severally read the third time, and passed, to wit:

An act to reduce into one, the several acts concerning roads, bridges, ferries, and highways; an act concerning writs of error; an act giving jurisdiction over water courses; an act to incorporate an aqueduct company in the city of Mobile; an act to incorporate the Flint river navigation company; An act to amend an act, passed at Huntsville on the 13th day of November, 1819, incorporating the town of Triana; an act to authorise persons who have settled on the sixteenth section in each township, to remove mill works or machinery, and for other purposes; an act to authorise judges of the Circuit Courts and justices of the County Courts, to take the acknowledgement of deeds, and relinquishment of dower; an act prescribing the mode of making out and authenticating accounts against this State; an act to authorise the payment of sixty dollars to Samuel Dale; an act supplementary to the laws now in force, concerning wills, intestates, and guardians; an act concerning the appointment of county officers; an act to legalise registering certain deeds or conveyances of land in this state; an act to incorporate the town of Elyton, in the county of Jefferson; an act to authorise the persons therein named to sell and transfer certain certificates of land; an act concerning the appointments of county officers; a resolution authorising the comptroller to receive all monies arising from the rents of the seminary lands; an act extending the boundaries of Jefferson county; an act to incorporate the town of Claiborne; an act granting to John Fowler the right of running a steam ferry boat between the city of Mobile and the town of Blakeley; and act for the relief of Elijah Lawley, were all severally read the third time and passed; an act establishing certain election precincts therein named and for other purposes, was read the third time; on motion of Mr. Connor, said bill was amended by adding an additional section by way of rider, which was read the first time, and on motion, that the rule which requires all riders be read on three several days be dispensed with, said rider was then read the second and third times, said bill as amended was then read and passed. Mr. Rose moved to reconsider the vote on

the passage of the bill entitled an act extending the boundaries of Jefferson county, and on the question being put, "shall the Senate reconsider their vote on said bill?" it passed in the affirmative. On motion of Mr. Rose said bill was amended by striking out the word "February" near the end, and the word "April" inserted in lieu thereof; said bill as amended was then read and passed. An act to regulate proceedings in suits at common law was taken up. On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of said bill. On motion of Mr. Garth, said bill was amended by inserting after the words "Section 2," and wherever the want occurred throughout the bill, these words, "And be it further enacted." Mr. Garth moved to strike out the word "thirty" in the seventh section of the bill, and the question being put it passed in the affirmative. Mr. Garth moved to fill up in lieu of the word stricken out the word "ninety." And on the question being put, it passed in the negative. On motion of Mr. Casey, the blank was filled with the word "sixty." Said bill was then read the third time as amended, and passed.

An act for the relief of the collector of Lauderdale county, and for other purposes, was taken up, and on motion of Mr. Metcalf read a second time by its caption. On motion of Mr. Davis said bill was amended by adding an additional section thereto. On motion of Mr. Metcalf the word Franklin was stricken out in the third section of the bill. Mr. Garth moved to fill the blank with the word Cotaco, which passed in the affirmative. On motion of Mr. Gaines the bill was further amended by inserting after the word Cotaco, the word Jackson. Mr. Casey moved to strike out the third section, and on the question being put thereon, it passed in the affirmative. Said bill as amended was then read the third time and passed.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the following enrolled bills, and found the same duly enrolled, to wit: An act for the relief of Chapley R. Welbourn, and an act to raise a revenue for the support of government for the year 1821, which were accordingly signed by Mr. President.

On motion of Mr. Garth, the committee of the whole was discharged from the further consideration of a bill entitled an act to amend an act entitled an act for the inspection of lumber, and other articles therein named, passed at Huntsville on the 17th day of Dec. 1819. Said bill was then read the third time and passed.

A bill entitled an act to lay a tax on the inhabitants of the county of Washington was taken up. On motion of Mr. Trotter the word "half" in the first section of the bill was stricken out, and the word "fourth" inserted in lieu thereof. Said bill was then read the third time and passed.

A bill repealing the 28th and 35th sections of an act passed at Huntsville, 14th Dec. 1819, entitled an act to regulate the proceedings of courts of law and equity in this state, was taken up and read the third time and passed. Ordered that the title of said bill be an act repealing certain laws therein named.

An act concerning executions and sales by sheriffs and other officers was taken up, and on motion of Mr. Garth, the committee of the whole was discharged therefrom. Said bill was then read the third time and passed.

An act to provide for enclosing the public building in the town of Cahawba, and for other purposes, was taken up, amended, read the third time, and passed. Ordered that the secretary acquaint the House of Representatives thereof.

A bill entitled an act to prevent fire hunting, was read the first time. Mr. Garth moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read a second time forthwith. Said bill was then read a second time, and made the order of the day for a third reading on to-morrow.

An act concerning free negroes and mulattoes, in order for a second reading was taken up. Mr. Sims moved that said bill be indefinitely postponed. The question was put thereon: the yeas and nays being called for, it was decided in the affirmative.---Ayes 9, Nays 8. Those who voted in the affirmative are Messrs. President, Connor, Garth, Gaines, Herbert, Hodges, Hogg, Rose and Sims. Those who voted in the negative are Messrs. Casey, Davis, Farmer, Gause, Metcalf, Ringgold, Trotter and Ware.

A message from the House of Representatives by Mr. Moore of Madison.

Mr. President and Gentlemen of the Senate,---The House of Representatives have agreed to the amendments made by the Senate to the second section of the bill to incorporate the subscribers to the Bank of the State of Alabama, to wit: they agree to the first, second and third amendments to said second section. To the fourth amendment, to wit, by striking out in the beginning of the 13th line of said section, the words "five hundred," inserting in place thereof the word: "three hundred." To this amendment the House of Representatives disagree. They have amended the amendment made by your honorable body, by inserting between the word "junior" and the word "at," to wit: "at Courtland five hundred shares under the superintendence," &c. by striking out "five" and inserting "three." The House of Representatives have disagreed to the amendment made by your honorable body to the thirteenth section, in striking out the last line of said section. In all other amendments made to said bill by the senate, the House of Representatives concur.

They have read the third time and passed a bill entitled an act, to reduce into one, the several acts concerning strays, in which they desire the concurrence of your honourable body. Said bill was then read the first time. Mr. Ringgold moved that the rule which requires all bills to be read on three several days be dispensed with, and that said bill be read the second time forthwith. Said bill was then read the second time forthwith, and made the order of the day for a third reading on to-morrow.

A bill concerning divorce and alimony, was taken up and according to order the Senate resolved itself into a committee of the whole

thereon, Mr. Casey in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration and had made sundry amendments thereto, which were severally concurred in. Said bill was then ordered to be engrossed for a third reading on to-morrow.

The Senate then took up the message from the House of Representatives, on the bill to incorporate the Bank of the State of Alabama.

On motion of Mr. Casey the Senate agreed to the amendment of the House of Representatives, to the amendment of the Senate, in the second section, where it reads in these words, "at Courtland five hundred shares," by striking out the word "five," and inserting in lieu thereof, the word "three."

On motion of Mr. Casey, the Senate receded from their amendment to the thirteenth line of said section, where they had proposed to insert the word "three," in lieu of the word "five." On motion of Mr. Terrel, the Senate also receded from their amendment to the thirteenth section of said bill. Ordered that the Secretary acquaint the House of Representatives thereof.

The Senate adjourned till ten o'clock to-morrow morning.

Wednesday, December 20, 1820.

The Senate met pursuant to adjournment.

Mr. Gause from the committee of enrolled bills, reported that the committee had examined the following bills, and found them duly enrolled, to wit: An act to authorise the payment of sixty dollars to Samuel Dale; An act to authorise persons who have settled on the sixteenth section in each township to remove mill works, machinery, and for other purposes; An act to authorise the persons therein named to sell and transfer certain certificates of land; An act prescribing the mode of making out and authenticating accounts against this State; An act to raise a revenue for the support of Government for the year 1821; resolution authorising the payment of Chapley R. Welbourn; An act concerning the appointment of county officers; an act to incorporate the town of Elyton, in the county of Jefferson; resolution appointing commissioners to review and mark out a road from the military crossing of the Battalache to the Falls of Tuscaloosa; an act to legalize registering certain deeds or conveyances of land in this State.

A message from the House of Representatives by Mr. Shackelford. Mr. President, The House of Representatives have passed the following bills, to wit: resolution authorising the Governor to pay to David and Nicholas Crocheron a sum of money therein mentioned; An act to amend an act entitled an act to provide for leasing for a limited time the lands reserved by the Congress of the United States for the support of schools within each township of this State, for a seminary of learning, and for other purposes.

They concur in the amendments made by your honourable body to the bill entitled an act, to extend the boundaries of Jefferson county, and for other purposes.

They concur in the amendments of the Senate to the bill entitled an act, to regulate proceedings in suits at common law.

They disagree to the amendment made by the Senate, in striking out the third section of the bill for the relief of the tax collector of Lauderdale county, and for other purposes.

They agree to the other amendments made to said bill.

They disagree to the amendments made to the bill entitled an act, for enclosing the public building in the town of Cahawba, and for other purposes.

On motion of Mr. Davis, the Senate receded from the amendment to the bill entitled an act, for the relief of the tax collector of Lauderdale county, by striking out the third section.

On motion of Mr. Garth, the Senate concurred in the amendment made by the House of Representatives to the bill giving jurisdiction over water courses.

On motion of Mr. Casey, the Senate receded from their amendment to the bill entitled an act, to provide for enclosing the public building in the town of Cahawba, and for other purposes.

Message from the house of representatives by Mr. Moore of Madison---*Mr. President*, The house of representatives have passed a bill entitled an act making appropriations for the year 1821, and for other purposes therein mentioned. They concur in the amendments made by the senate to a bill entitled an act to lay a tax on the inhabitants of Washington county.

On motion of Mr. Garth the senate resolved itself into a committee of the whole on a bill to be entitled an act to apportion the representatives among the several counties in this state, and to divide the state into senatorial districts, according to the late census, Mr. Davis in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Davis reported that the committee of the whole had, according to order, had said bill under consideration and had made an amendment thereto; which was concurred in. On motion of Mr. Sims, ordered that said bill be engrossed and read a third time this day.

A message from the house of representatives by Mr. Perry---*Mr. President*, the house of representatives have adopted the following resolution. *Resolved*, that the house of representatives will be ready to adjourn this evening at the hour of three o'clock.

Mr. Sims from the committee appointed on the part of the senate to confer with the committee from the house of representatives on the subject of the amendment proposed by the senate, to a bill apportioning the representatives among the several counties in this state, and to lay off the same into senatorial districts, reported, that they had had a meeting, but could not come to any agreement. They submit to the senate the written reasons which were submitted by each committee for their consideration, to wit: "The committee appointed on the part of the house of representatives to confer with the committee appointed on the part of the senate, on the amendments made in the senate to the bill entitled an act to apportion the representatives among the

several counties in this state and to divide the state into senatorial districts according to the returns of the late census, to which amendment the house of representatives have disagreed, have the honor of submitting the reasons in support of the course pursued by that house. The Constitution on the subject of apportionment is in some instances ambiguous; but like other instruments it must receive such construction as will carry into effect all the provisions if practicable, and if it is found impracticable to give operation to all, the least important must yield to those of higher character.

If the question under discussion depended on this rule alone, it is believed the provisions of the Constitution requiring the present General Assembly to apportion the representatives and senators, and to divide the state into senatorial districts, is of higher import than any provision in relation to the senatorial term of service: but when the question is fully investigated, it will be found that the term of service for senators to be elected in the incipient stages of the government is contingent and does not depend alone upon the term of three years mentioned in the 12th section of the third article of the Constitution; but upon other provisions which in their character are active and require some act to be done before they can go into operation.

By complying with the requisitions of the thirteenth section of the same article, one third of the senators will have a right to serve but one year, one third for two years, and one third will have a right to serve for three years; although all were chosen for the term of three years. If, however the Senate convened under that section, shall refuse to cast lots and make the classification therein required, the term of service of each must necessarily be the same, all having been elected for the same term; but this refusal would be a violation of a positive command of the constitution, and render that body after that session unconstitutional. A senatorial term is mentioned in the latter part of the eighth section of the schedule, which for the present may be admitted to be three years, but it can only be ascertained to be so by reference to the twelfth section of the third article before referred to, as the ninth section of the same article has pointed out the time when an emuneration is to be made, and the apportionment of Representatives necessary thereon. And the tenth section of the same article has also commanded the General Assembly at the first session, after every such emuneration to fix by law, the whole number of senators, and to divide the State into the same number of districts; it is obvious that the term of service mentioned in the schedule can only be two years, unless we violate the mandate of that section by refusing to pass a law fixing the number of senators, and dividing the State into the same number of districts, which refusal will be equivalent to a refusal on the part of the Senate, convened in conformity with the thirteenth section before referred to, and will make the senatorial term depend upon the will of the Legislature, and not upon the constitution. It is believed that no correct distinction can be drawn between the mandatory influence in the tenth and thirteenth sections of the third article, nor can the obligatory force on either be considered stron-

ger than the other. Both require an act to be performed before the senatorial term can be made less than three years; and a refusal in either case must produce the same effect. Taking all these provisions of the constitution together, it appears very clear, that a senatorial term of service means nothing more than that period of time that a senator may serve without violating some positive provision of the constitution which conflicts with the term of three years. But in ascertaining when the term of the present senators expires, and when the first apportionment is to be made, the rules of construction on which the foregoing is based, becomes in a great degree unnecessary; because the temporary General Assembly, created by the eighth section of the schedule is limited to two years, by a fair construction of that section in conjunction with other sections of the permanent provisions to which it plainly refers. The first branch of that section points directly to the time when all its powers shall cease, and that time is limited by the operation of the section connected with the provisions to which it points. It says "until the first enumeration shall be taken as directed by this constitution." The counties enumerated shall be entitled to the Representatives attached to each; "and each County shall be entitled to one senator, who shall serve for one term." The word "until" limits and controuls the operation of the whole section, unless the provision respecting the Senate can be released from its operation, and that appears to be impossible upon principles of equal grammatical construction, the copulative conjunction "and" unites the Senatorial with the Representative branch, and subjects the whole to the same rule of construction; consequently, when the Representative branch ceases to exist, the senatorial branch must cease also. The Senate having consented to apportion the representative branch of the General Assembly, and thereby pass it from the operation of the temporary provisions of the schedule, into the permanent provisions of the body of the constitution, and having refused to apportion the Senators and divide the State into districts, we respectfully ask the reasons upon which they have acted, that we may if practicable come to an arrangement by which the government may be perpetuated according to the constitution.

The committee appointed on the part of the Senate to confer with the committee appointed by the Representative branch on the amendments made in the Senate to the bill apportioning the Senators and Representatives under the late census, offer to the House of Representatives, the reasons which influenced the course pursued in the Senate.

It is believed the eighth section of the schedule does not lead to the tenth section of the third article, to shew when senators shall be apportioned, because it contravenes the main intention as will appear from the twelfth section of the same article.

It is believed the duration of a senatorial term until the classification ordered in 1826 is three years; and that the 13th section of the 3d article cannot apply to this question, because this section is manifestly intended to be an exception to the general term of senators' office, in order to effect a particular object, and enters fully into the

main intention of the framers of the instrument, and to give effect to the ninth and tenth sections at this time, would destroy the main intention, unequivocally expressed without the necessity of effecting a particular object, which could not be otherwise effected.

It is also believed, that if the eighth section of the schedule is to form the data of a senatorial term, commencing from an election ordered in the preceding section, that it applies with equal force to the Representatives elected in the year eighteen hundred and nineteen; this section declaring that until the first enumeration shall be made, each county shall be entitled to the number of members therein designated. The enumeration cannot be considered as being made within the meaning of the constitution, until made to the constituted authority, which has been done at the present session. It consequently follows that the Representatives now convened hold their stations in contravention of the constitution, for in this section the duration of their service is measured and fixed by the first enumeration by which they are recognised as constitutional members, for two sessions without an intermediate election; yet as the second and twelfth sections of the third article goes imperatively to destroy the application given this section, the Senate cannot indulge it. In no part of the constitution can the Senate find an authority to elect senators for one year, which must follow if the bill passes, or they must be elected for three years, which directly goes to innovate all the provisions relevant to the senatorial department in future. If the senatorial districts are now laid out, and persons elected to fill them, it is believed those persons cannot be received as constitutional senators the first year of their service, being the last year of those senators elected in the year eighteen hundred and nineteen, and settled by the twelfth section, third article.

It is furthermore believed, that if senatorial districts are now laid out, and a senatorial apportionment made, the senators next elected must hold their offices for three years, and cannot be construed to hold them for a less or greater duration of time.

The reasons inducing this belief are these:

An apportionment predicated on the basis of an enumeration of the white inhabitants, brings you to the great and permanent principles of the Constitution: to wit.

That representation must ultimately proceed on the enumeration of white inhabitants; whenever, therefore, an apportionment of the Senate will take place on the basis of an enumeration of white inhabitants, the ultimate object of the Constitution is accomplished as regards the senatorial representation, and it must follow, that their term of office will also be regulated by the ultimate provisions on that subject. It is needless to remark, that in that case their term of office is a term of three years.

The Senate have never ceased to deplore the difference of sentiment existing between the two Houses; but one command is known to both. If an unfortunate miscalculation crept into the convention in relation to the first census, from which emanated the mandate upon which the present enumeration is made; if that enumeration goes

to break down the intention of the framers of the Constitution,--it goes to contravene the main provisions of the Constitution as relates to the senatorial department, and in doing so prostrates the best interests of the country.

It is suggested how far this provision is to be viewed as nugatory, going to destroy that which it was intended to preserve.

Message from the House of Representatives by Mr. Sargent.

Mr. President---The House of Representatives have passed a resolution for allowance to the Clerk of the House of Representatives and Secretary of the Senate; also, a resolution that the warrants of the Comptroller be issued according to certain provisions therein named: both of which resolutions were severally read the first time. On motion, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with; said resolutions were then read a second time respectively. And on further motion, the rule requiring all bills and joint resolutions to be read on three several days was dispensed with; said resolutions were read the third time, and passed. Ordered, that the Secretary acquaint the House of Representatives thereof.

A bill to be entitled an act to reduce into one the several acts concerning strays, was read the third time; and on the question being put, "Shall said bill pass?" the ayes and nays being called for, it passed in the affirmative. Ayes 14, Noes 3. Those who voted in the affirmative are, Messrs. President, Casey, Davis, Farmer, Garth, Gaines, Hanby, Hodges, Hogg, Metcalf, Ringgold, Sims, Trotter, and Ware; those who voted in the negative are, Messrs. Connor, Gause, and Herbert.

A bill to be entitled an act to apportion the Representatives among the several counties in this state, according to the returns of the late census, was read a third time and passed. Ordered that the title of said bill be an act to apportion the representatives among the several counties in this state, according to the returns of the late census, and that the secretary acquaint the House of Representatives thereof.

A resolution to authorise the payment of Daniel Rather, as jailor of Madison, was read the third time, and on motion of Mr. Farmer ordered to lie on the table.

According to order the senate resolved itself into a committee of the whole, on a bill to be entitled an act to alter and enlarge the terms of certain circuit courts in this state, Mr. Davis in the chair; and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Davis reported that the committee of the whole had, according to order, had said bill under consideration, and had made sundry amendments thereto, which were severally read and concurred in.

Message from the House of Representatives by Mr. Moore of Madison. *Mr. President*,---The House of Representatives have concurred in the amendments made by the senate to the bill to be entitled an act concerning roads, bridges, and ferries; they have also passed a resolution for printing the journals and laws of the present General Assembly.

Engrossed bill concerning divorce and alimony, was read the third time and passed. Ordered that the title of said bill be an act concerning divorce.

The senate resumed the consideration of a bill to be entitled an act to prevent fire hunting, which was read the third time, and the question being put, "shall this bill pass?" it was decided in the negative.

Mr. Gause, from the committee of enrolled bills, reported that the committee had examined the following bills, and found the same duly enrolled, to wit: An act supplementary to the laws now in force concerning wills, intestates, and guardians. An act concerning writs of error. An act concerning executions, and sales by sheriffs and other officers. An act to authorise Judges of the Circuit Courts and Justices of the County Courts, to take the acknowledgment of deeds, and relinquishment of dower. An act to amend an act entitled an act for the inspection of lumber and other articles therein named, passed at Huntsville on the 17th day of Dec. 1819. An act to establish certain election precincts therein named, and for other purposes. An act to alter and extend the bounds of Jefferson county, and for other purposes.

A resolution authorising the Comptroller to receive all monies and notes arising from the rents of the seminary lands.

An act, granting to John Fowler the rights of running a steam ferry boat between the city of Mobile and the town of Blakeley.

An act, to incorporate the Flint river navigation company.

An act, to incorporate an aqueduct company in the city of Mobile.

An act, to incorporate the town of Claiborne, and

An act, to authorise the Governor to sell lots on the public lands east of Alabama river, and opposite the town of Cahawba.

All of which bills and resolutions were accordingly signed by Mr. President.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act, to provide for assessing and collecting of taxes, and for other purposes, Mr. Casey in the chair, and after some time spent therein the committee rose, Mr. President resumed the chair, and Mr. Casey reported that the committee of the whole had, according to order, had said bill under consideration, but not having time to go through with the same, had directed him to report progress and ask leave to sit again, which was granted.

On motion of Mr. Terrel, the Senate resumed the consideration of a bill to be entitled an act, to apportion the representatives among the several counties in this State, according to the returns of the last census.

Mr. Terrel moved that the Senate adhere to their amendment made to said bill, in striking out the second section, and the question being taken thereon, the yeas and nays being called for, it was decided in the affirmative—yeas 14, nays 5. Those who voted in the affirmative, are Messrs. Casey, Conner, Farmer, Gause, Gaines, Hanby, Herbert, Hogg, Metcalf, Rose, Sims, Terrel, Trotter and Ware. Those who voted in the negative, are Messrs. President, Davis, Garth, Hodges and Ringgold.

Message from the acting Governor, by Mr. Thomas A. Rogers, Esq. Secretary of State.

Mr. President and Gentlemen of the Senate,

I am instructed by the acting Governor, to inform you, that he did on the 19th instant approve and sign, an act, defining the boundaries of Marion county, and for other purposes; and on the 20th, an act, to incorporate the town of Ococoposo, in Franklin county; an act, for the government of the port and harbour of Blakeley; an act, appointing additional precincts in the county of Bibb; an act, giving jurisdiction to the courts of certain counties therein named; and, an act, to invest certain lots in the Intendant and Town Council of the Town of Cahawba, and for other purposes, which originated in this honourable body; resolution authorising the Governor to pay David and Nicholas Crocheron, a sum of money therein named, was read the first time. On motion of Mr. Casey, the rule which requires all bills and resolutions to be read on three several days was dispensed with, and said resolution was read a second time. Mr. Davis moved to amend said resolution by adding these words: *Be it further resolved,* That the compensation herein allowed, shall be understood as full and complete payment for all work and labour done on the State House aforesaid, not only that which is provided for, in and by the original contract, but likewise all such as may have been directed to have been done by the acting Governor, and the question being taken thereon it passed in the affirmative.

Mr. Gause from the committee on enrolled bills, reported that the committee had examined the following bills and found the same duly enrolled.

An act amendatory to an act passed by the Legislature of Alabama at Huntsville the 16th November 1819, entitled an act to establish a public road therein named; an act to amend an act passed at Huntsville on the 13th day of November 1819, incorporating the town of Triana; an act to regulate proceedings in suits at common law; an act supplementary to an act establishing the permanent seat of justice in Cahawba county, passed at Huntsville on the 17th December 1819, all of which were signed by Mr. President.

Mr. Gause from the committee on enrolled bills reported the following bills duly enrolled:

An act for the relief of the tax collector of Lauderdale county and for other purposes; an act to amend an act to provide for leasing for a limited term of time the lands reserved by the Congress of the United States for the support of schools within each township in this state, for a seminary of learning and for other purposes; an act giving jurisdiction over water courses; an act to lay a tax on the inhabitants of Washington county; an act to provide for inclosing the public building in the town of Cahawba, and for other purposes; all of which bills were signed by the President.

Mr. Garth moved the following resolution: *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the Sheriff of Jackson

county to hold an election in the manner now prescribed by law, to elect three persons to represent said county in the next General Assembly of this State; which was read the first time; and the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and said resolution was read a second time. Mr. Gause moved to amend said resolution by striking out "three" and to insert "two;" and the question being taken thereon it passed in the affirmative. On motion of Mr. Garth, *Ordered*, That said resolution be engrossed and read a third time forthwith; and said resolution as amended was read a third time, and passed. *Ordered*, that the Secretary acquaint the House of Representatives thereof.

The Senate adjourned until 8 o'clock to-morrow morning.

Thursday, December 21, 1820.

The Senate met pursuant to adjournment.

Mr. Gause, from the Committee on Enrolled Bills, reported, that the committee had examined the following bills, and found the same duly enrolled---An act concerning Divorce. Resolution authorising the Treasurer to receive Comptroller's Warrants for money due for the sale of lots in Cahawba. An act to incorporate the subscribers of the Bank of the State of Alabama. An act to reduce into one the several acts concerning Roads, Bridges, Ferries and Highways. Resolution to make an allowance to the clerks of the house of representatives and senate, for ex-officio services. An act to regulate proceedings in suits at common law; and an act, to reduce into one the several acts concerning strays; which bills and resolutions were then signed by the President.

According to order the senate resolved itself into a committee of the whole on a bill to be entitled an act to provide for assessing and collecting the taxes and for taking the census of this state, Mr. Garth in the chair, and after some time spent therein the committee rose and Mr. President resumed the chair, and Mr. Garth reported that the committee of the whole had, according to order, had the said bill under consideration, and had directed him to report the same with sundry amendments, which were severally read and concurred in. On motion of Mr. Ringgold said bill was ordered to be engrossed and read a third time this day.

The senate resumed the consideration of a bill to be entitled an act to authorise the Governor, or person exercising that office, to remit any part of any fine, forfeiture or sentence of imprisonment. Mr. Rose moved to amend said bill by striking out, in the first section of said bill after the word "convened," the remainder of the section, and to insert in lieu thereof the following, "That the Governor or person exercising that office shall have power to grant pardons and reprieves in all cases of capital offences, treason excepted; in which case he may repite the execution until the end of the next General Assembly, in all cases of fines, emercements and imprisonments, levied, assessed or sentenced for inferior offences, except that for assault and battery with intent to kill or murder, an assault and battery with intent to commit a rape, he may remit any part thereof, but in all cases herein except-

ed, he shall only have power to respite or suspend the execution thereof, until the next meeting of the General Assembly." And the question being taken on said amendment, it passed in the affirmative.

Message from the House of Representatives, by Messrs. Moore of Madison county, and Cook.---Mr. President, The House of Representatives have appointed Messrs. Moore, of Madison, and Cook, as a committee on their part jointly, with such committee as may be appointed on the part of your honorable body to wait on his honor, the acting Governor, and inform him that the General Assembly are about adjourning *sine die*, and enquire of his Honor if his Honor has any further communications to make to the General Assembly, previous to that event.

According to order the Senate resolved itself into a committee of the whole, on a bill to be entitled an act to make appropriations for the year 1821, and for other purposes therein mentioned, Mr. Terrel in the chair; and after some time spent therein, the committee rose, Mr. President resumed the chair, and Mr. Terrel reported that the committee of the whole had according to order, had said bill under consideration, and had made sundry amendments which were severally read. On motion of Mr. Gause, the amendments were concurred in, and said bill as amended was read a third time passed.

A bill to be entitled an act to fix the time of convening the General Assembly of the State of Alabama, which was read the first time, and, on motion, the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and the said bill was read a second time. On motion the rule which requires all bills and joint resolutions to be read on three several days was dispensed with, and the said bill was read a third time and passed.

Resolution for printing the Journals and Laws of the present General Assembly, was read the first time, and the rule which requires all bills and joint resolutions, to be read on three several days was dispensed with, and said resolution was read a second time, and, on motion the rule was further dispensed with, and said resolution was read a third time and passed.

Resolution to authorise the payment of Daniel Rather, was read a third time and passed.

On motion the following bills were postponed, until the first Monday in November next. A bill to be entitled an act to incorporate the Indian Creek Navigation Company. A bill to be entitled an act to establish and regulate Justices Courts. A bill to repeal the Laws now in force in this State, which authorise separate suits upon joint or joint and several contracts of copartners in trade. A bill to prohibit the removal of distempered cattle. A bill to be entitled an act to authorise Gilbert D. Taylor to emancipate certain slaves therein named. A bill to be entitled an act permitting Merchants, Shop-keepers, Partners, Physicians and Apothecaries to prove their books of account. A bill to be entitled an act to amend an act, regulating Hawkers and Pedlars.

Memorial to the general government, on the subject of a repeal of

the law restricting the taxation of certain lands and for other purposes. A bill to be entitled an act to apportion among the several counties within this State, and to divide the State into senatorial districts, and a bill to be entitled an act to alter the mode of collecting the revenue of the State. On motion of Mr. Sims, the Senate reconsidered the postponement of the bill to be entitled an act to incorporate the Indian Creek Navigation Company. On motion of Mr. Sims the committee of the whole was discharged from the further consideration of said bill, and it was read a third time and passed. A bill to be entitled an act to provide for assessing and collecting the taxes, and for taking the census of this State, was read a third time and passed. Ordered that the Secretary acquaint the House of Representatives thereof. A bill to be entitled an act to make appropriations for the year one thousand eight hundred and twenty-one, and for other purposes therein mentioned, was read a third time as amended, and passed.

Message from the House of Representatives by Mr. Moore of Madison. *Mr. President*,---The House of Representatives have concurred in all the amendments made by the senate to the bill to be entitled an act to make appropriations for the year 1821, except the amendment allowing the Court of Errors and Appeals, the Circuit Court of Dallas County, and the Federal Court of the United States, to sit in the State House. Mr. Casey moved that the senate insist on said amendment, and the question being taken thereon, it was decided in the affirmative. Ordered, that the secretary acquaint the House of Representatives thereof. On motion, ordered that Nicholas Davis, senator from Limestone county, have leave to spread on the journal the following dissent and protest against the amendment of the senate, by striking out the second section of the bill, which passed the House of Representatives, to be entitled an act to apportion the Representatives among the several counties in this state, and to divide the state into senatorial districts, to wit: "In conformity to the provisions of the constitution, the House of Representatives passed a bill to be entitled an act to apportion the representatives among the several counties in this state, and to divide the state into senatorial districts, according to the returns of the late census. In this House an amendment has been made to this bill by striking out the second section which provided for the apportionment of senators, and laying the state off into districts. As this amendment in my estimation defeats the spirit and intention of the constitution, I, Nicholas Davis, a senator from Limestone county, therefore dissent and protest against the amendment for these reasons: The 9th and 10th sections of the 3d article of the constitution, when taken together, imperiously require of the present General Assembly, to apportion both branches of the legislative department, which if done, would terminate the temporary legislative body created by the eighth section of the schedule, and which by the term of its creation, cannot exist after the first day of August, 1821, whether we choose to make this apportionment or not. The eighth section of the schedule above referred to, provides that "until the first enumeration shall be made as

directed by this constitution." The several counties therein enumerated shall be entitled to representation as therein expressed, "and each county shall be entitled to one senator who shall serve for one term." In correct grammatical construction, the word "until," controls the whole section, and limits the duration of the existence of the provisional legislature, until this time, unless the word "term" used in that section, can controul all the permanent provisions contained in the 9th and 10th sections above referred to. To ascertain what is meant by the word "term" we are compelled to resort to the 12th and 13th sections of the 3d article. The 12th section provides that "senators shall be chosen by the qualified electors for the term of three years," but there is no provision in any part of the Constitution, which gives the senators thus chosen the right to serve three years. On the contrary in the 13th section it appears that "senators chosen according to the apportionment under the census taken in 1820, when convened shall be divided by lot into three classes as nearly equal as may be. The seats of the senators of the first class shall be vacated at the expiration of the first year; those of the second class at the expiration of the second year; and those of the third class at the expiration of the third year." If we have a right at this time to refuse to make the apportionment, because the law in its operation may make the present senatorial term two years. The senators chosen under the 13th section of the 3d article, may for the same reason refuse to submit to a classification, the term of service in both cases being derived from the same provision of the Constitution. These reasons have convinced my mind that a senatorial term of service is not three years, but one, two or three years, according to other provisions of the Constitution, which in their necessary operation limit the period of service. As I firmly believe that the legislative power of this State will cease with the session unless an apportionment is made in conformity with the mandate of the constitution, I have deemed my duty to spread on the journals the reasons upon which my vote on this subject is based.

Message from the House of Representatives, by Mr. Walker.

Mr. President.—The House of Representatives recede from their disagreement to the amendment of the Senate to the bill making appropriations for the year one thousand eight hundred and twenty-one.

Mr. Gause from the committee on enrolled bills reported that they had examined the following bills, and found the same duly enrolled: An act, to incorporate the Indian Creek Navigation Company; An act, to make appropriations for the year one thousand eight hundred and twenty one; and, An act, to provide for assessing and collecting the taxes, and taking the census of this State. Which were accordingly signed by Mr. President.

Message from the House of Representatives, by Mr. M'Vay.

Mr. President.—The House of Representatives concur in the amendments made by the Senate to the resolution authorizing payment to David and Nicholas Crochran. They also concur in the

amendments to the bill authorising the Governor to remit any part of any fine, forfeiture or sentence of imprisonment.

Mr. Garth moved the following resolution, which was adopted :

Resolved, That the Secretary of the Senate complete the journals under the direction of the President of the Senate.

Mr. Gause, from the Committee on Enrolled Bills, reported, that the committee had examined the following bills and found them duly enrolled; an act to fix the time for convening the General Assembly of the State of Alabama; an act to authorise the Governor or person exercising that office to remit any part of any fine, forfeiture, or sentence of imprisonment.

A resolution for printing the Laws and Journals of the present General Assembly; a resolution authorising the Governor to pay to David and Nicholas Crocheron, a sum of money therein mentioned; a resolution to authorise the payment of Daniel Rather, as Jailor of Madison county; which bills and resolutions, were then signed by Mr. President.

On motion of Mr. Garth, *Resolved*, That a committee be appointed on the part of the Senate, to join with such committee as may be appointed on the part of the House of Representatives to wait on his Excellency the Acting Governor, and to inform him, that the General Assembly have gone through the business before them, and are now ready to adjourn *sine die*, unless he has other communications to make; whereupon Messrs. Garth, Casey, and Gause were appointed. Mr. Garth from the committee appointed to wait on his Excellency the acting Governor, reported, that the committee had performed their duty, and had received for answer that he had no further communications to make.

Message from the House of Representatives, by Mr. Moore, of Madison.

Mr. President,---The House of Representatives have finished the business before them, and are about to adjourn.

On motion, *Ordered*, That the Secretary inform the House of Representatives, that the Senate having gone through the business before them, are now ready to adjourn.

Mr. Rose moved the following resolution: *Resolved*, That the thanks of the Senate are due to the Honourable Gabriel Moore, President thereof, for the impartiality, decision, dignity, and ability with which he has discharged the arduous duties of his station.

Whereupon the President rose, and addressed the Senate in the following manner:

Gentlemen,---I cannot, in justice to my feelings, put the question for adjournment *sine die*, without expressing the lively sensibility I feel in receiving this renewed evidence of your continued friendship. Gentlemen, I want words to express the gratification I feel in finding the manner I have been enabled to discharge the duties of the office, has given general satisfaction. With cheerfulness I tender you the just tribute of my acknowledgments, for the uniform friendly aid and support you have on all occasions rendered the chair. I rejoice,

too, that I can, at the same time, congratulate you on the degree of harmony, and more than ordinary good humour and conciliatory spirit, which have prevailed in the Senate during our deliberations: this furnishes evidence undoubted to the world, that you have been governed by principles and motives worthy legislators, and which have been founded in the most sincere wish to promote the general interest, welfare, and prosperity of your constituents.

Gentlemen,--For the very polite and flattering terms in which you have been pleased to express your approbation of my conduct, I return you my sincere thanks. Please to accept of my warmest wishes for your individual health, prosperity, and happiness, and a safe and agreeable return to your respective homes.

On motion of Mr. Casey the Senate adjourned *sine die*.

GABRIEL MOORE,

President of the Senate.

(Attest)

M. D. WILLIAMS,

Secretary of the Senate.